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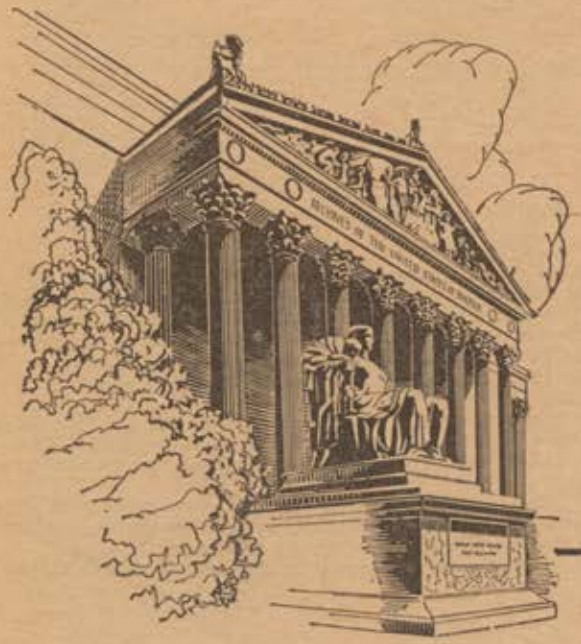

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(ANNUAL CODIFICATION GUIDE—1966)

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESIN-BONDED FILTERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1968) filed by Robert M. Goolrick, 1250 Connecticut Avenue NW., Washington, D.C. 20036, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of an additional resin for use in fabricating resin-bonded filters to be used for filtering milk or potable water. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2536 is amended by inserting alphabetically a new item in the list of substances in paragraph (d)(3) and by adding a new paragraph (m), as follows:

§ 121.2536 Filters, resin-bonded.

* * * * *

(d) * * *

(3) *Resins:*

Acrylic polymers produced by polymerizing ethyl acrylate alone or with one or more of the monomers: Acrylic acid, acrylonitrile, *N*-methylolacrylamide, and styrene. The finished copolymers shall contain at least 70 weight percent of polymer units derived from ethyl acrylate, no more than 2 weight percent of total polymer units derived from acrylic acid, no more than 10 weight percent of total polymer units derived from acrylonitrile, no more than 2 weight percent of total polymer units derived from *N*-methylolacrylamide, and no more than 25 weight percent of total polymer units derived from styrene. For use only as provided in paragraph (m) of this section.

* * * * *

(m) Resin-bonded filters fabricated from acrylic polymers as provided in paragraph (d)(3) of this section together with other substances as provided in paragraph (d) (1), (2), and (4) of this section may be used as follows:

(1) The finished filter may be used to filter milk or potable water at operating temperatures not to exceed 100° F., provided that the finished filter when exposed to distilled water at 100° F. for 2 hours yields total extractives not to exceed 1 percent by weight of the filter.

(2) The finished filter may be used to filter milk or potable water at operating temperatures not to exceed 145° F., provided that the finished filter when exposed to distilled water at 145° F. for 2 hours yields total extractives not to exceed 1.2 percent by weight of the filter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: January 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-1047; Filed, Jan. 27, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart D—Claims

CLAIMS BASED ON NEGLIGENCE, WRONGFUL ACT, OR OMISSION

Pursuant to the Federal Tort Claims Act, as amended, 28 U.S.C. 2671–2680, and the authorization of the Attorney General, 28 CFR 14.11, to this Department to issue regulations supplemental to those in 28 CFR Part 14 relating to administrative settlement of claims under the Federal Tort Claims Act, as amended, 7 CFR 1.51 is hereby amended as set forth below.

§ 1.51 Claims based on negligence, wrongful act, or omission.

(a) *Authority of Department—(1) Claims which accrue prior to January 18, 1967.* Under the provisions of the Federal Tort Claims Act, 28 U.S.C. 2671–2680, in effect prior to January 18, 1967, the Department may consider, ascertain, adjust, determine and settle claims for money damages of $2,500 or less against the United States for personal injury, death, or property loss or damage caused by the negligent or wrongful act or omission of any employee of the Department while acting within the scope of his office or employment, under circumstances where the United States, if it were a private person, would be liable, in accordance with the law of the place where the act or omission occurred. This subparagraph applies only to those claims which accrue before January 18, 1967.

(2) *Claims which accrue on or after January 18, 1967.* Under the provisions of the Federal Tort Claims Act, as amended, in effect on and after January 18, 1967, and the regulations issued by the Department of Justice contained in 28 CFR Part 14, the Department may, subject to the provisions of such Act and regulations, consider, ascertain, adjust, determine, compromise, and settle claims for money damages against the United States for personal injury, death, or property loss or damage caused by the negligent or wrongful act or omission of any employee of the Department while acting within the scope of his office or employment, under circumstances where the United States, if it were a private person, would be liable, in accordance with the law of the place where the act or omission occurred. This subparagraph applies only to those claims which accrue on or after January 18, 1967.

(b) *Procedure for filing claims.* Claims may be presented by the claimant, his duly authorized agent or legal representative as specified in 28 CFR 14.3. Standard Form 95, Claim for Damage or Injury, may be obtained from the local office of the Departmental agency which employs the employee who allegedly committed the negligent or wrongful act or omission. The completed claim form, together with appropriate evidence and information, as specified in 28 CFR 14.4, shall be filed with the office from which obtained.

(c) *Determination of claims—(1) Delegation of authority to determine claims.* The General Counsel, and such Washington and field employees of the Office of the General Counsel as may be designated by the General Counsel, are hereby authorized to consider, ascertain, adjust, determine, compromise, and settle claims pursuant to the Federal Tort Claims Act, as amended, and the regulations contained in 28 CFR Part 14 and in this section. This delegation supersedes that part of the delegation of authority to the General Counsel published in 27 F.R. 5917 which relates to allowance and disallowance of tort claims.

(2) *Allowance of claim.* If a claim is allowed in full or in part, the Office of the General Counsel will notify the fiscal officer of the departmental agency involved so that such agency may prepare and process an appropriate voucher for payment.

(3) *Disallowance of claim.* If a claim is denied, the General Counsel, or his designee, shall so notify the claimant, his attorney, or legal representative.

(5 U.S.C. 301, 28 U.S.C. 2671–2680; 28 CFR Part 14)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67–1035; Filed, Jan. 27, 1967; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Quota on Acreage Basis and on Acreage-Poundage Basis for Burley Tobacco for 1967–68, National Average Yield Goal, National Acreage Allotment, and National Acreage Factor

Sec.
724.36j Basis and purpose, on an acreage basis.
724.36k Determinations and announcement with respect to the national marketing quota on an acreage basis for burley tobacco for the marketing year beginning October 1, 1967.
724.36l Basis and purpose, on an acreage-poundage basis.
724.36m Determinations and announcements.

AUTHORITY: The provisions of this subpart issued under secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended; 79 Stat. 66; 7 U.S.C. 1301, 1313, 1314c, 1375.

§ 724.36j Basis and purpose, on an acreage basis.

(a) Sections 724.36j and 724.36k are issued (1) to determine the reserve supply level and the total supply of burley tobacco for the marketing year beginning October 1, 1966; (2) to announce the amount of the national marketing quota on an acreage basis for burley tobacco for the marketing year beginning October 1, 1967; and (3) to apportion the national marketing quota on an acreage basis for burley tobacco for the 1967–68 marketing year among the several States. The determinations contained in § 724.36k have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (31 F.R. 14560) given in accordance with the provisions of 5 U.S.C. 553.

(b) Since burley tobacco farmers are now making preparations for 1967 production of burley tobacco and need to know, at the earliest possible date, the 1967 burley tobacco acreage allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota on an acreage basis for burley tobacco for the 1967–68 marketing year, contained herein, shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.36k Determinations and announcement with respect to the national marketing quota on an acreage basis for burley tobacco for the marketing year beginning October 1, 1967.

(a) *Reserve supply level.*[1] The reserve supply level for burley tobacco is 1,772.8 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the Act, from a normal year's domestic consumption of 575.0 million pounds and a normal year's exports of 65.0 million pounds.

(b) *Total supply.*[1] The total supply of burley tobacco for the marketing year beginning October 1, 1966, is 1,945.3 million pounds, consisting of carryover of 1,395.3 million pounds and estimated 1966 production of 550.0 million pounds.

(c) *Carryover.*[1] The estimated carryover of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1967, is 1,329.7 million pounds, calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1966, of 615.6 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of burley tobacco which will make available during the marketing year beginning October 1, 1967, a supply of burley tobacco equal to the reserve supply level of such tobacco is 443.1 million pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 443.1 million pounds would result in undue restriction of marketings during the 1967–68 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1967, is 531.7 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Act and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage allotment	Reserve[2]
Alabama	21.44	.02
Arkansas	38.04	.04
Georgia	65.18	.07
Illinois	2.08	0
Indiana	6,302.84	6.32
Kansas	60.70	.06
Kentucky	159,455.21	159.44
Missouri	2,425.89	2.44
North Carolina	8,748.27	8.82
Ohio	7,954.28	7.98
Pennsylvania	.40	0
South Carolina	2.71	0
Tennessee	52,852.50	53.06
Virginia	9,229.92	9.28
West Virginia	2,368.00	2.40
Reserve[3]	625.24	

[1] Rounded to the nearest tenth of a million pounds.

[2] Acreage reserved for establishing allotments for new farms.

[3] The acreage included in the State acreage allotment available pursuant to section 724.57 of the regulations governing determination of tobacco farm acreage allotments (27 F.R. 8937; 28 F.R. 9144; 29 F.R. 1315; 30 F.R. 823) in each State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

§ 724.36l Basis and purpose, on an acreage-poundage basis.

(a) Section 317(c) of the Act provides that whenever, during the first or second marketing year of the 3-year period for which marketing quotas on an acreage basis are in effect for any kind of tobacco, the Secretary, in his discretion, determines with respect to that kind of tobacco that acreage-poundage quotas under section 317 would result in a more effective marketing quota program for that kind of tobacco he shall at the time of the next announcement of the national marketing quota under section 312(b) of the Act determine and announce the amount of the national quota for that kind of tobacco under section 317 of the Act and at the same time announce the national acreage allotment and national average yield goal and within 45 days thereafter conduct a special referendum of farmers engaged in the production of the kind of tobacco of the most recent crop to determine whether they favor the establishment of marketing quotas on an acreage-poundage basis as provided in section 317 for the next 3 marketing years: *Provided, however,* That the Secretary shall not make any such determination with respect to any kind of tobacco (except flue-cured tobacco) unless prior thereto he shall conduct public hearings in the areas where such tobacco is produced for the purpose of ascertaining and taking into consideration the attitudes of producers and other interested persons with respect to acreage-poundage quotas. Section 317(c) further provides that if the Secretary determines that more than two-thirds of the farmers voting in the special referendum approve quotas on an acreage-poundage basis as provided in section 317, acreage-

poundage quotas shall be in effect for the next 3 marketing years and the marketing quotas on an acreage basis shall cease to be in effect at the beginning of such 3-year period. If marketing quotas on an acreage-poundage basis are not approved by more than two-thirds of the farmers voting in such referendum, the marketing quotas on an acreage basis shall continue in effect as theretofore proclaimed under section 312(a).

(b) Producers of burley tobacco voting in a referendum approved marketing quotas on an acreage basis for the 3 marketing years beginning October 1, 1965, October 1, 1966, and October 1, 1967 (30 F.R. 4313).

(c) In compliance with section 317(c) of the Act, public hearings were held in areas where burley tobacco is produced for the purpose of ascertaining and taking into consideration the attitudes of producers and other interested persons with respect to acreage-poundage quotas. Notice of the hearings was published in the FEDERAL REGISTER (32 F.R. 15).

(d) The attitudes expressed by burley tobacco producers and other interested persons at the hearings were mixed. Some expressed the view that the present acreage allotment program for burley tobacco has worked well and should be continued with no reduction in farm acreage allotments. Others expressed the view that acreage-poundage quotas were needed to prevent further increases in per acre yields. Some expressed the view that in the event an acreage-poundage program is announced, the 5 years, 1960 through 1964, should be used as the base period in establishing preliminary farm yields and community average yields.

(e) During the four marketing years (1961–62 through 1964–65) the production of burley tobacco exceeded disappearance (domestic usage plus exports) by over 288 million pounds. This resulted in the buildup of a surplus. The carryover of old-crop burley in the inventories of manufacturers and dealers and under Government loan on October 1, 1966, the beginning of the current marketing year, was 1,395.3 million pounds (farm-weight basis).

(f) The total supply (carryover plus estimated production) for the current marketing year of 1,945.3 million pounds is sufficient for about 3.2 years at current levels of domestic usage and export. It is generally agreed that a supply of about 2.8 years' duration is desirable.

(g) During the 5 years, 1956 through 1960, burley tobacco yields averaged 1,620 pounds per acre. During the most recent 4 years, 1963 through 1966, yields averaged 2,163 pounds per acre, an increase of one-third. Research data and sales records for individual farms show that further substantial increases can be made in per acre yields. Under the present acreage allotment program, increases in per acre yields require reductions in acreage allotments, which in turn stimulate further increases in yields.

(h) In view of these facts, and after consideration of the attitudes of producers and other interested persons, it is determined that acreage-poundage quotas will result in a more effective marketing quota program for burley tobacco.

(i) The national yield factor, as well as the period of years used in determining community acreage yields and preliminary farm yields, will be determined and announced at an early date.

(j) Sections 724.361 and 724.36m are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and as further amended by Public Law 89–12 (79 Stat. 66), approved April 16, 1965, hereinafter referred to as the Act, to determine and announce for burley tobacco for the marketing year beginning October 1, 1967, under the provisions of the Act, (1) the Secretary's determination that acreage-poundage quotas under section 371(c) of the Act would result in a more effective marketing quota program for burley tobacco, (2) the amount of the national marketing quota on an acreage-poundage basis, (3) the 1967 national average yield goal, (4) the 1967 national acreage allotment, (5) the 1967 reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, and (6) the 1967 national acreage factor. The determinations by the Secretary contained in § 724.36m have been made on the basis of the latest available statistics of the Federal Government. Due consideration has been given data, views, and recommendations received from burley tobacco producers and others pursuant to the notice (31 F.R. 14560) given in accordance with the provisions of 5 U.S.C. 553. Since the Act requires the holding of a special referendum of burley tobacco farmers engaged in the production of burley tobacco of the 1966 crop within 45 days after the announcement of the national marketing quota on an acreage-poundage basis, the national acreage allotment, and the national average yield goal, to determine whether such farmers favor the establishment of marketing quotas on an acreage-poundage basis for the 3 marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969, and since burley tobacco farm operators must under section 317 of the Act, insofar as practicable, be notified of the 1967 crop year marketing quotas for their farms at least 15 days prior to the holding of the special referendum, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing of this document with the Director, Office of the Federal Register.

(k) Under the formula in the Act, the basis for determining the reserve supply level depends upon the marketing year in which it is determined. 7 U.S.C. 1301(b)(10)(B), (11)(B), (12), (14)B. The present marketing year began on October 1, 1966, and ends on September 30, 1967. 7 U.S.C. 1301(b)(7). The reserve supply level determined under § 724.36k is 1,772.8 million pounds, and the reserve supply level so determined is used for the purposes of the determinations in § 724.36m.

(l) The carryover of burley tobacco on October 1, 1967 is estimated at 1,329.7 million pounds, and a 1967 crop of 610.0 million pounds, based on the 1967 national quota of 610.0 million pounds, would result in a supply of burley tobacco for the 1967–68 marketing year of 1,939.7 million pounds, or 166.9 million pounds above the reserve supply level.

(m) During the 1967–68 marketing year, an estimated 570.0 million pounds of burley tobacco will be utilized in the United States and an estimated 63.0 million pounds will be exported—a total disappearance of 633.0 million pounds. This compares with the present estimate for the 1966–67 marketing year of 615.6 million pounds for domestic utilization and for export. The estimates for the 1967–68 marketing year take into account an expected increase in cigarette consumption, and the improved quality of leaf expected under the acreage-poundage program should enhance the export position of burley.

(n) It is determined that it is desirable to effect an orderly reduction of supplies to the reserve supply level, and, therefore, a downward adjustment in a national marketing quota of 633.0 million pounds should be made. Accordingly, the national marketing quota for burley tobacco for the marketing year beginning October 1, 1967, is determined to be 610.0 million pounds. This is less than the maximum reduction of 15 per centum permitted by the Act, but no further reduction is deemed desirable because experience gained from actual operations under the acreage-poundage program for burley tobacco is lacking.

(o) It is determined that the national marketing quota of 610.0 million pounds, in view of the anticipated carryover, will insure an adequate supply of burley tobacco for the 1967–68 marketing year.

(p) The "national average yield goal" has been determined to be 2,200 pounds per acre. It has been determined that this yield will improve or insure the usability of burley tobacco and increase the net return per pound to the growers. In making this determination, consideration was given to research data of the Agricultural Research Service of the Department and of universities in the two leading burley tobacco States.

(q) The national acreage allotment of 277,272.73 acres was determined in accordance with the provisions of the Act by dividing the national marketing quota of 610.0 million pounds by the national average yield goal of 2,200 pounds.

(r) In accordance with the provisions of the Act, a reserve from the national acreage allotment is established in the amount of 626.45 acres for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms. It is estimated that the reserve will be adequate.

(s) A national acreage factor of 1.108 was determined by dividing the national acreage allotment of 277,272.73 acres,

less the reserve of 626.45 acres, by the total of the 1967 preliminary acreage allotments of 249,680.75 acres.

(t) No consideration has been given to any action on burley tobacco under the proviso in section 301(b)(15) or under section 313(i) of the Act since burley tobacco consists of only one type (type 31) of tobacco.

(u) No recommendation, for or against, was received with respect to taking action under the proviso in subsection (g)(1) of section 317 of the Act. It is concluded that no determination should be made with respect to this proviso at the present time since no marketing experience under the acreage-poundage program is available for burley tobacco.

§ 724.36m Determinations and announcements.

(a) It is hereby determined, pursuant to and in accordance with the provisions of section 317(c) of the Act, that acreage-poundage quotas under section 317 of the Act will result in a more effective marketing quota program for burley tobacco than a marketing quota program on an acreage basis.

(b) National marketing quota for burley tobacco on an acreage-poundage basis for the marketing year beginning October 1, 1967: A national marketing quota for burley tobacco on an acreage-poundage basis for the marketing year beginning October 1, 1967, is hereby determined and announced in the amount of 610.0 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 570.0 million pounds and exports in such marketing year of 63.0 million pounds, and a downward adjustment of 23.0 million pounds which is determined to be desirable for the purpose of effecting an orderly reduction of supplies to the reserve supply level.

(c) National average yield goal: The national average yield goal for burley tobacco for the marketing year beginning October 1, 1967, is determined and announced as 2,200 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of burley tobacco and increase the net return per pound to growers.

(d) National acreage allotment: The national acreage allotment for burley tobacco on an acreage-poundage basis for the marketing year beginning October 1, 1967, is determined and announced to be 277,272.73 acres. This allotment was determined by dividing the national marketing quota of 610.0 million pounds by the national average yield goal of 2,200 pounds.

(e) Reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishment of acreage allotments for new farms: A national reserve from the national acreage allotment in the amount of 626.45 acres is hereby determined and announced. This reserve is to make available (1) 526.45 acres for making corrections in farm acreage allotments and adjusting inequities, and (2) 100.00 acres for establishing allotment for new farms.

(f) National acreage factor: The national acreage factor for burley tobacco on an acreage-poundage basis for the marketing year beginning October 1, 1967, is determined and announced as 1.108.

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 25, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-1061; Filed, Jan. 27, 1967; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Wyoming Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation Wyoming State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Wyoming. Copies of these bases and procedures are available for public inspection at the office of such committee at 345 East Second Street, Casper, Wyo., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Wyoming. These bases and procedures incorporate the following:

§ 850.188 Wyoming.

(a) *Allotment areas.* Wyoming shall be divided into three allotment areas as served by beet sugar companies. These areas shall be designated as Great Western, Holly, and Utah-Idaho. Acreage allotments of 24,191 acres, 33,354 acres, and 60 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-aside of acreage.* Set-asides of acreage shall be made from area allotments as follows: Great Western Area—240 acres for new-producer farms including farms operated by students as educational test plots, 121 acres for appeals and 121 acres for adjustments in initial shares, Holly Area—330 acres for new-producer farms including farms operated by students as educational test plots, 167 acres for appeals and 167 acres for adjustments in initial shares, Utah-Idaho area—1 acre each for appeals and adjustments in initial shares. No set-aside was made in the Utah-Idaho area for new producers pursuant to § 850.173.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.172. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such date because of illness or other reasons beyond his control, requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual shares for old-producer farms*—(1) *Farm bases.* The 1965-crop formula provided that a farm base would be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage of the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage record for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less the appropriate set-asides to determine the initial share. Such initial shares, subject to adjustments, became the established 1965-crop shares. For a 1966-crop old-producer farm that is constituted the same as the 1965-crop farm, the 1966-crop farm base shall be the 1965-crop established share, as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm with an accredited acreage record in the period 1962 through 1964 but for which a 1965 share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For both the Holly and Great Western Area, the total of farm bases for old-producer farms, as established pursuant to this paragraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph, but not to exceed the acreage requested for each farm. Notwithstanding the foregoing provisions of this subparagraph (2), no farm share shall be established at a level less than 15 acres unless a lesser amount is requested. The proration factor for the Great Western Area shall be 1.088517 and

for the Holly Area shall be 1.02291. No requests for proportionate shares were filed in the Utah-Idaho Area.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each allotment area, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new-producers in each allotment area, and any other unused acreage that the State Committee determines shall be used for that purpose, shares shall be established for farms to be operated during the 1966-crop year by new producers and for farms operated by students as test plots. The State committee has determined that a 20-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share. Distribution of acreage for establishing new-producer shares will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities and shall establish new-producer farm shares as provided therein. No new-producer shares shall be established in the Utah-Idaho Area.

(f) *Adjustments under appeals.* Within the acreage set-aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to May 1, 1966 and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d)(3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after September 1, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the share established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised."

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Wyoming State Committee for determining farm shares in Wyoming for the 1966 crop of sugarbeets.

Wyoming is divided into three allotment areas. The Great Western area consists of the entire counties of Park, Platte, and all of Big Horn County except township 49, R92 and R93, and all of Goshen County except townships 22, 23, and 24, R60, and all of Laramie County except township 18, R61 and R62. The Holly area consists of the entire counties of Sheridan, Johnson, Washakie, Hot Springs, Fremont, Natrona, and Converse and the townships in Big Horn, Goshen, and Laramie Counties excluded from the Great Western area as noted above. The Utah-Idaho area consists of Crook County only.

Farm shares for new producers are established as provided in § 850.180. Twenty-acre shares are determined to be minimum economic units for new-producer farms.

Acreage is reserved in the Utah-Idaho allotment area for the farm formerly served by the closed Belle Fourche factory in South Dakota for the purpose of affording such farm the opportunity to contract with another processor.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: January 4, 1967.

R. LESTER CROMPTON,
Chairman, Agricultural Stabilization and Conservation Wyoming State Committee.

Approved: January 20, 1967.

RAY FITZGERALD,
Deputy Administrator, State and County Operations.

[F.R. Doc. 67-1030; Filed, Jan. 27, 1967; 8:46 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Oregon Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation Oregon State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Oregon. Copies of these bases and procedures are available for public inspection at the office of such Committee at 1218 Southwest Washington Street, Portland, Oreg., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Oregon. These bases and procedures incorporate the following:

§ 850.191 Oregon.

(a) *Allotment areas.* Oregon shall be divided into two allotment areas as served by two beet sugar companies. These areas shall be designated as the Nampa-Nyssa Area and the Umatilla Area. Area allotments of 18,350 and 1,620 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotment as follows: Nampa-Nyssa Area—90 acres for new producers, 90 acres for appeals and 90 acres for adjustments in initial shares; Umatilla Area—40 acres for new producers, 10 acres for appeals and 20 acres for adjustments in initial shares. The set-asides in both areas for new producers include acreage for farms operated by students as educational test plots.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing as provided in § 850.172.

If a preliminary request for a tentative farm share is filed, as provided in § 850.172, a fully completed Form SU-100 shall be filed by March 14, 1966. However, requests for shares may be accepted after such dates and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such dates because of illness or other reasons beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases*—(i) *Nampa-Nyssa area.* The 1965-crop formula provided that a farm base would be determined on the basis of the larger of the results of a formula giving a 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964 or the results of a formula giving a 30 percent weighting to the average of the 1962 and 1963 crops personal accredited acreage record within the area of the 1965-crop operator of the farm and a 70 percent weighting to such operator's personal accredited acreage record within the area for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less appropriate set-asides to determine the initial shares. Such initial shares, subject to adjustment, became the established 1965-crop shares. For a 1966-crop farm constituted the same as in 1965 the 1966-crop farm base shall be the 1965-crop established share as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm or a farm operator with an accredited acreage record in the base period 1962 through 1964 but for which a 1965-crop share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(ii) *Umatilla area.* The 1965-crop formula provided that a farm base would be determined on the basis of the personal accredited acreage record within the area of the 1965-crop farm operator. Farm bases were determined on the basis of a formula giving a 30 percent weighting to the average of the personal accredited acreage record within the area of such operator for the crop years 1962 and 1963 and a 70 percent weighting to such record for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less appropriate set-asides to determine the initial shares. Such shares subject to adjustment, became the established 1965-crop shares. For a 1966-crop farm operator, the 1966-crop farm base shall be the 1965-crop farm operator's established share as adjusted by appeal. For a farm operator with an accredited acreage record in the base period 1962 through 1964 but who did not have a 1965-crop share established for his 1965-crop farm the 1966-crop farm base shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For the Umatilla area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph. Notwithstanding the foregoing provisions of this subparagraph (2) no farm share shall be established at a level less than 20 acres unless a lesser amount is requested. For the Nampa-Nyssa area, the total of individual farm bases for old producer farms, as established pursuant to this paragraph, exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. Notwithstanding the foregoing provisions of this subparagraph (2) no farm share shall be established at a level less than 20 acres in the Umatilla area and 15 acres in the Nampa-Nyssa area unless a lesser amount is requested. The proration factor for each area shall be as follows: Umatilla Area—1.04849; Nampa-Nyssa Area—0.9989.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage in excess of requested acreages, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each allotment area and any other acreage that the State committee determines shall be used for that purpose, shares shall be established in equitable manner for farms to be operated during the 1966-crop year by new producers and for farms operated by students as test plots. The State committee has determined that a 15-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share in the Nampa-Nyssa Area and 20.0 acres is the minimum in the Umatilla Area. Distribution of acreage for establishing new-producer shares will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities and shall establish new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State Committe during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to May 15, 1966 and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d)(3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed in the Umatilla area after September 23, 1966, and in the Nampa-Nyssa area after September 30, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised". For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU-103-B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined

with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 through 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Oregon State Committee for determining farm proportionate shares in Oregon for the 1966 crop of sugarbeets.

Oregon is divided into two areas. The Nampa-Nyssa Area consists of Baker and Malheur Counties and the Umatilla Area consists of Umatilla County. Informal relationships are maintained with grower and processor representatives. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by average accredited acreages for the crop years 1962–64.

Farm shares for new producers are established as provided in § 850.180. Twenty-acre shares are determined to be minimum economic units for new-producer farms in the Umatilla Area and 15 acres in the Nampa-Nyssa Area.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: January 6, 1967.

R. E. SCHEDEEN,
Chairman, Agricultural Stabilization and Conservation Oregon State Committee.

Approved: January 20, 1967.

RAY FITZGERALD,
Deputy Administrator, State and County Operations.

[F.R. Doc. 67-1028; Filed, Jan. 27, 1967; 8:46 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Montana Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation Montana State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Montana. Copies of these bases and procedures are available for public inspection at the office of such committee at 211 North Grand Avenue, Bozeman, Mont., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Montana. These bases and procedures incorporate the following:

§ 850.194 Montana.

(a) *Allotment areas.* Montana shall be divided into three allotment areas as served by beet sugar companies. These areas shall be designated as Great Western, Holly, and American Crystal. Acreage allotments of 27,251.8 acres, 30,043.2 acres, and 6,356 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-aside of acreage.* Set-asides from the State allocation shall be as follows: 320 acres for new producer farms including farms operated by students as educational test plots, 318 acres for appeals and 318 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU–100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.172. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such date because of illness or other reason beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual shares for old-producer farms*—(1) *Farm bases.* The 1965-crop formula provided that a farm base would be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage of the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage record for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less the appropriate set-asides to determine the initial share. Such initial shares, subject to adjustments, became the established 1965-crop shares. For a 1966-crop old-producer farm that is constituted the same as the 1965-crop farm, the 1966-crop farm base shall be the 1965-crop established share, as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm with an accredited acreage record in the period 1962 through 1964 but for which a 1965 share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For each allotment area, the total of farm bases for old-producer farms as established pursuant to this paragraph, is equal to or less than the area allotment. Accordingly, initial shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the total of the initial shares established in accordance with the preceding part of this subparagraph, but not to exceed the acreage requested for each farm. The proration factor for the Great Western Area shall be 1.04110, for the Holly Area it shall be 1.00777, and for the American Crystal Area it shall be 1.00000.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each allotment area, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production, and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new-producers and any other unused acreage that the State committee determines shall be used for that purpose, shares shall be established for farms to be operated during the 1966-crop year by new producers and for farms operated by students as test plots. The State committee has determined that a 20-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share. No distribution of acreage for establishing new-producer shares will be made on a county or area basis. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities and shall establish new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares

shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to May 15, 1966, and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d)(3) of this section. The unused or unalloted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after August 31, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the share established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised."

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Montana State Committee for determining farm shares in Montana for the 1966 crop of sugarbeets.

Montana is divided into three allotment areas. The American Crystal Area consists of the entire counties of Broadwater, Lake, Lewis and Clark, Missoula, and Ravalli. The Great Western Area consists of the entire counties of Blaine, Phillips, Carbon, Stillwater, Treasure, and Yellowstone and that portion of Rosebud County lying south of the Yellowstone River and west of the town of Forsyth. The Holly Area consists of the entire counties of Big Horn, Custer, Dawson, Prairie, and Richland and that part of Rosebud County not included in the Great Western Area.

Farm shares for new producers are established as provided in § 850.180. Twenty-acre shares are determined to be minimum economic units for new-producer farms.

Informal relationships are maintained with grower and processor representatives. In establishing shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by establishing farm bases equal to the 1965 initial share for a farm constituted the same as in 1965, and in other cases in accordance with the same formula which was used in establishing an initial share for the 1965 crop.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 27, 1966.

J. VIOLA HERAK,
Chairman, Agricultural Stabilization and Conservation Montana State Committee.

Approved: January 20, 1967.

RAY FITZGERALD,
Deputy Administrator, State and County Operations.

[F.R. Doc. 67-1027; Filed, Jan. 27, 1967; 8:46 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Colorado Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation Colorado State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Colorado. Copies of these bases and procedures are available for public inspection at the office of such committee in the Federal Building, Denver, Colo., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Colorado. These bases and procedures incorporate the following:

§ 850.199 Colorado.

(a) *Allotment areas.* Colorado shall be divided into four allotment areas as served by beet sugar companies. These areas shall be designated as Great Western, Holly, American Crystal, and National. Acreage allotments of 144,469 acres, 9,780.1 acres, 18,838.7 and 2,295.2 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with prorata adjustments to the State allocation. In addition to the acreage established above, 1,250 acres are made available to farms in the National Area pursuant to the provisions of paragraph (c) of § 850.169.

(b) *Set-aside of acreage.* Set-asides of acreage shall be made from area allotments as follows: Great Western Area—1,480 acres for new-producer farms including farms operated by students as educational test plots, 722.3 acres for appeals, and 5,778.8 acres for adjustments in initial shares; Holly Area—920 acres for new-producer farms including farms operated by students as educational test plots, 48.9 acres for appeals and 97.8 acres for adjustments in initial shares; American Crystal Area—560 acres for new-producer farms including farms operated by students as educational test plots, 94.2 acres for appeals and 94.2 acres for adjustments in initial shares; National Area—11.5 acres for appeals and 11.5 acres for adjustments in initial shares. No set-aside was made in the National Area for new producers. New-producer shares shall be established in that area from the acreage made available in accordance with the provisions of § 850.187.

(c) *Requests for proportionate shares.* In each area other than the National Area, requests for each farm shall be filed at the local ASCS county office on Form SU-100, Request for Sugarbeet Proportionate Share. In the National Area, such requests shall be filed at the local county office on Form SU-401, Request for Sugarbeet Proportionate Share (Single Plant Locations). Requests shall be filed under the conditions and on or before the closing date for such filing, as provided in § 850.172. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such date because of illness or other reason beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual shares for old-producer farms*—(1) *Farm bases.* The 1965-crop formula provided that a farm base would be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage of the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage record for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less the appropriate set asides to determine the initial share. Such initial shares, subject to adjustments, became the established 1965-crop shares. For a 1966-crop old-producer farm that is constituted the same as the 1965-crop farm, the 1966-crop farm base shall be the 1965-crop established share, as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm with an accredited acreage record in the period 1962 through 1964 but for which a 1965 share was not established shall

be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For the American Crystal, Great Western Area, and National Areas, the total of farm bases for old-producer farms as established pursuant to this paragraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph, but not to exceed the acreage requested for each farm. The proration factor for the Great Western Area shall be 1.0170, for the American Crystal Area shall be 1.0750 and for the National Area shall be 1.1660. For the Holly Area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. The proration factor for the Holly Area shall be 0.9640.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each allotment area, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers and any other acreage that the State committee determines shall be used for that purpose, shares shall be established in an equitable manner for farms to be operated during the 1966-crop year by new producers. The State committee has determined that a 40-acre share is the minimum acreage which is economically feasible to plant as a new-producer in the Great Western and Holly Areas and a 35-acre share is such minimum in the American Crystal Area. Distribution of the acreage set aside for new producers will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities and shall establish new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to April 15, 1966 and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources other than acreage made available to the National Area pursuant to § 850.169 shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d)(3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after September 1, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the share established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised."

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Single plant reserve acreage.* Shares for farms from acreage allocated for single nonaffiliated factories shall be determined in accordance with the provisions of § 850.187.

(k) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Colorado State Committee for determining farm shares in Colorado for the 1966 crop of sugarbeets.

Colorado is divided into four allotment areas. The Great Western Area consists of the entire counties of Adams, Arapahoe, Boulder, Kit Carson, Larimer, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma. The Holly Area consists of the entire counties of Delta, Mesa, Montrose, and Ouray. The American Crystal Area consists of the entire counties of Alamosa, Baca, Bent, Conejos, Las Animas, Otero, Prowers, Rio Grande, and Saguache. It also includes farms located in Crowley and Pueblo Counties as hereafter provided. The National Area consists of the entire counties of Cheyenne and Lincoln and farms located in Crowley and Pueblo Counties which are included in such area as hereafter provided. For purposes of identifying allotment area acreage for establishing 1966-crop farm proportionate shares, an old-producer farm located in Crowley or Pueblo County shall be included in the allotment area served by the beet sugar company that contracted for the sugarbeet crops on the farm during the base period; and a new-producer farm located in such county shall be included in the allotment area served by the beet sugar company that contracts for the 1966-crop on such farm.

Informal relationships are maintained with grower and processor representatives. In establishing shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by establishing farm bases equal to the 1965 initial share for a farm constituted the same as in 1965, and in other cases in accordance with the same formula which was used in establishing an initial share for the 1965 crop.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 30, 1966.

ARTHUR ISGAR,
Chairman, Agricultural Stabilization and Conservation Colorado State Committee.

Approved: January 20, 1967.

RAY FITZGERALD,
Deputy Administrator, State and County Operations.

[F.R. Doc. 67–1025; Filed, Jan. 27, 1967; 8:46 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Minnesota Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation Minnesota State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Minnesota. Copies of these bases and procedures are available for public inspection at the office of such Committee at the Griggs Midway Building, 1821 University Avenue, St. Paul, Minn., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Minnesota. These bases and procedures incorporate the following:

§ 850.200 Minnesota.

(a) *Allotment areas.* Minnesota shall be divided into two allotment areas. These areas shall be designated as the Northwest Area and the Southern Area. Acreage allotments of 73,489.8 and 39,519.2 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northwest Area—350 acres for new producers, 368 acres for appeals and 313 acres for adjustments in initial shares; Southern Area—1,170 acres for new producers, 198 acres for appeals and 338 acres for adjustments in initial shares. The set asides in both areas for new producers includes acreage for farms operated by students as educational test plots.

(c) Requests for proportionate shares. A request for each farm share shall be filed at the local ASCS county office on Form SU–100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing as provided in § 850.172. If a preliminary request for a tentative farm share is filed, as provided in § 850.-172, a fully-completed Form SU–100 shall be filed by April 1, 1966. However, requests for shares may be accepted after such dates and shares may be established if the State Committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such dates because of illness or other reasons beyond his control, and requests may be accepted generally by the State committee after such dates if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms*—(1) *Farm bases.* The 1965-crop formula provided that a farm base would be determined on the basis of the larger of (i) the results of a formula giving a 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964, (ii) the results of a formula giving a 30 percent weighting to the average of the 1962 and 1963 crops personal accredited acreage record within the State of the 1965-crop operator of the farm and a 70 percent weighting to such operator's personal accredited acreage record within the State for the crop year 1964, or (iii) 90 percent of the 1964-crop personal accredited acreage record of such operator. The resultant farm bases were adjusted prorata to the area allotment less appropriate set asides to determine the initial shares. Such initial shares, subject to adjustment, became the established 1965-crop shares. For a 1966-crop farm constituted the same as in 1965 the 1966-crop farm base shall be the 1965-crop established share as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm or a farm operator with an accredited acreage record in the base period 1962 through 1964 but for which a 1965-crop share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For each area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial proportionate shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph but not to exceed the acreage requested for each farm. The proration factor for each area shall be as follows: Northwest Area—1.0000; Southern Area—1.0880.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage in excess of requested acreages, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers in each allotment area, shares shall be established in an equitable manner for farms to be operated during the 1966-crop year by new producers. The State committee has determined that 50-acre shares in the Northwest Area and 65-acre shares in the Southern Area are minimum acreages which are economically feasible to plant as new-producer farm shares. In the Southern Area, no allotment of acreage available for establishing new-producer shares will be made to individual counties. In the Northwest Area such acreage shall be prorated to counties in multiples of economic units on the basis of the total of 1966-crop old-producer farm shares within such counties, except that the counties of Kittson, Norman, and Wilkin will be grouped for this determination. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, availability of irrigation water, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities. The State committee shall establish new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to June 1, 1966, in the Southern Area and June 10, 1966 in the Northwest Area and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d)(3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after August 22, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU–103–B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Farms receiving commitments of acreage from the national reserve.* Proportionate shares for farms receiving commitments of acreage from the national sugarbeet acreage reserve shall be established in accordance with the provisions of §§ 850.168 to 850.187 and 851.1 of this chapter.

(k) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Minnesota State Committee for determining farm proportionate shares in Minnesota for the 1966 crop of sugarbeets.

Minnesota is divided into two allotment areas. The Northwest Area consists of the counties of Clay, Kittson, Marshall, Norman, West Polk, and Wilkin. The Southern Area consists of the remaining sugarbeet producing counties in the State.

Informal relationships are maintained with grower and processor representatives. In establishing proportionate shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by average accredited acreages for the crop years 1962–64.

Farm shares for new producers are established as provided in § 850.180. Fifty-acre shares are determined to be minimum economic units for new-producer farms in the Northwest Area and 65 acres in the Southern Area.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 29, 1966.

HAROLD M. LANG,
Chairman, Agricultural Stabilization and Conservation Minnesota State Committee.

Approved: January 20, 1967.

RAY FITZGERALD,
Deputy Administrator, State and County Operations.

[F.R. Doc. 67–1026; Filed, Jan. 27, 1967; 8:46 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Utah Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation Utah State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Utah. Copies of these bases and procedures are available for public inspection at the office of such committee at 125 South State Street, Salt Lake City, Utah, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Utah. These bases and procedures incorporate the following:

§ 850.204 Utah.

(a) *Allotment areas.* Utah shall be divided into five allotment areas. These areas shall be designated as Garland, West Jordan, Cache, Ogden, and Holly. Acreage allotments of 9,333, 16,916, 4,516, 2,398, and 862 acres, respectively, are established for these areas on the basis of a formula giving 25 percent weighting to the accredited acreage for each of the crop years 1962 and 1963 and 50 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-aside of acreage.* Set-asides of acreage shall be made from area allotments as follows: Garland Area—37 acres for new-producer farms including farms operated by students as educational test plots, 50 acres for appeals and 85 acres for adjustments in initial shares; Holly Area—10 acres for new-producer farms including farms operated by students as educational test plots, 5 acres for appeals and 15 acres for adjustments in initial shares; West Jordan Area—323.3 acres for new-producer farms including farms operated by students as educational test plots, 85 acres for appeals and 130 acres for adjustments in initial shares; Cache Area—65 acres for new-producer farms including farms operated by students as educational test plots, 25 acres for appeals and 124 acres for adjustments in initial shares; Ogden Area—48 acres for new-producer farms including farms operated by students as educational test plots, 14 acres for appeals and 182 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS County Office on SU–100, Requests for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.172. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU–100 by such date because of illness, or other reason beyond his control and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual shares for old-producer farms*—(1) *Farm bases.* The 1965-crop formula provided that a farm base would be determined on the basis of a formula giving 25 percent weighting to the accredited acreage of the farm for each of the crop years 1962 and 1963 and 50 percent weighting to the accredited acreage record for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less the appropriate set-asides to determine the initial share. Such initial shares, subject to adjustments, became the established 1965-crop shares. For a 1966-crop old-producer farm that is constituted the same as the 1965-crop farm, the 1966-crop farm base shall be the 1965-crop established share, as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm with an accredited acreage record in the period 1962 through 1964 but for which a 1965 share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For each area, the total of farm bases for old-producer farms as established pursuant to this paragraph, is equal to or less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph, but not to exceed the acreage requested for each farm. The proration factor for the West Jordan Area shall be 1.1400 and for each other area, the proration factor shall be 1.0000.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each allotment area, adjustments shall be made in initial

shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers and any other acreage that the State committee determines shall be used for that purpose, shares shall be established in an equitable manner for farms to be operated during the 1966-crop year by new producers. The State committee has determined that a 10-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share in each area. Distribution of the acreage set aside for new producers will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator and the availability of production and marketing facilities. The State committee shall establish new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set-aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to May 25, 1966 and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial shares established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d)(3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after September 1, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU–103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the share established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU–103 marked "revised."

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Utah State Committee for determining farm shares in Utah for the 1966 crop of sugarbeets.

Utah is divided into five allotment areas. The Holly Area consists of Carbon and Emery Counties. The Cache Area consists of Cache County. The West Jordan Area consists of the entire counties of Iron, Juab, Millard, Salt Lake, Sanpete, Sevier, Utah, and Davis. It also includes farms in the southern portion of Weber County, located between Morgan County and the Great Salt Lake and which regularly delivers sugarbeets to the Utah-Idaho factory in West Jordan, Utah. The Garland Area consists of all farms in Box Elder County other than those located in the extreme southeast corner of the county, east of the Great Salt Lake and which regularly delivers sugarbeets to the Amalgamated factory in Ogden, Utah. The Ogden area includes all farms located in Weber County other than those included in the West Jordan area and also those farms located in the southeast corner of Box Elder County and not included in the Garland area.

Informal relationships are maintained with grower and processor representatives. In establishing shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by establishing farm bases equal to the 1965 initial share for a farm constituted the same as in 1965, and in other cases in accordance with the same formula which was used in establishing an initial share for the 1965 crop.

Farm shares for new producers are established as provided in § 850.180. Ten-acre shares are determined to be minimum economic units for new-producer farms.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 29, 1966.

JESSE S. TUTTLE,
Chairman, Agricultural Stabilization and Conservation Utah State Committee.

Approved: January 20, 1967.

RAY FITZGERALD,
Deputy Administrator, State and County Operations.

[F.R. Doc. 67–1029; Filed, Jan. 27, 1967; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangerine Reg. 32, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

(a) *Order.* In § 905.488 (Tangerine Reg. 32, 31 F.R. 13385, 14735, 16183, 32 F.R. 922) the provisions of paragraph (a) are amended by substituting in lieu thereof a new paragraph (a) reading as follows:

(a) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., January 30, 1967, and ending at 12:01 a.m., e.s.t., August 1, 1967, no handler shall, except to the extent otherwise permitted under this paragraph, ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2\frac{2}{10}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, January 27, 1967, to become effective at 12:01 a.m., e.s.t., January 30, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-1130; Filed, Jan. 27, 1967; 11:28 a.m.]

[Navel Orange Reg. 123]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.423 Navel Orange Regulation 123.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 26, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 29, 1967, and ending at 12:01 a.m., P.s.t., February 5, 1967, are hereby fixed as follows:

(i) District 1: 900,000 cartons;
(ii) District 2: 325,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 27, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-1131; Filed, Jan. 27, 1967; 11:28 a.m.]

[Lemon Reg. 252]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.552 Lemon Regulation 252.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 24, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 29, 1967, and ending at 12:01 a.m., P.s.t., February 5, 1967, are hereby fixed as follows:

(i) District 1: 18,600 cartons;
(ii) District 2: 68,820 cartons;
(iii) District 3: 61,380 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 26, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-1090; Filed, Jan. 27, 1967; 8:49 a.m.]

[Grapefruit Reg. 33]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.333 Grapefruit Regulation 33.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 26, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., January 30, 1967, and ending at 12:01 a.m., e.s.t., February 6, 1967, is hereby fixed at 195,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 26, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–1132; Filed, Jan. 27, 1967; 11:28 a.m.]

[Grapefruit Reg. 7]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.307 Grapefruit Regulation 7.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 26, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period beginning at 12:01 a.m., e.s.t., January 30, 1967, and ending at 12:01 a.m., e.s.t., February 6, 1967, is hereby fixed at 195,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 27, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–1133; Filed, Jan. 27, 1967; 11:28 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66–CE–82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 9, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 14409) stating that the Federal Aviation Agency proposed to designate controlled airspace at Griffith, Ind.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 30, 1967, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

GRIFFITH, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffith, Ind., Airport (latitude 41°31'10" N., longitude 87°23'55" W.), and within 2 miles each side of the Chicago Heights, Ill., VORTAC 089° radial extending from the 5-mile radius area to the VORTAC, excluding the airspace within the Chicago, Ill., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on January 12, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67–1015; Filed, Jan. 27, 1967; 8:45 a.m.]

[Airspace Docket No. 66-CE-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fairmont, Minn., control zone and transition area.

The following controlled airspace is presently designated in the Fairmont, Minn., terminal area:

(1) The Fairmont, Minn., control zone is designated as that airspace within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'59" N., longitude 94°25'22" W.), within 2 miles NE and 3 miles SW of the 132° bearing from Fairmont Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) The Fairmont, Minn., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'-59" N., longitude 94°25'22" W.), within 2 miles NE and 3 miles SW of the 132° bearing from Fairmont Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport, and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the 132° bearing from Fairmont Municipal Airport extending from the airport to 12 miles SE of the airport, and within 5 miles NE and 8 miles SW of the 139° and 319° bearings from Fairmont Municipal Airport extending from 1 mile SE to 12 miles NW of the airport.

The special ADF approach procedure to the Fairmont Municipal Airport has been canceled, the airport coordinates have changed slightly, and the phraseology regarding times of designation of part time control zones has been changed. These conditions require a minor modification to the Fairmont, Minn., control zone and a reduction in size of the Fairmont, Minn., transition area. Therefore, Part 71 of the Federal Aviation Regulations is herein amended to effect the changes referred to above.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 2, 1967, as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071) the Fairmont, Minn., control zone is amended to read:

FAIRMONT, MINN.

Within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'45" N., longitude 94°25'15" W.); within 2 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 5-mile radius zone to 8 miles SE of the airport; and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (32 F.R. 2148) the Fairmont, Minn., transition area is amended to read:

FAIRMONT, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairmont Municipal Airport (latitude 43°-38'45" N., longitude 94°25'15" W); within 2 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 5-mile radius area to 8 miles SE of the airport; and within 2 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 132° bearing from Fairmont Municipal Airport, extending from the airport to 12 miles SE of the airport; and within 5 miles NE and 8 miles SW of the 139° and 319° bearings from Fairmont Municipal Airport, extending from 1 mile SE to 12 miles NW of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on January 12, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-1016; Filed, Jan. 27, 1967; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 34-8029, 35-15647, IC-4823]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Proxy and Stockholder Information Rules

On December 5, 1966, the Securities and Exchange Commission, in Securities Exchange Act Release No. 8000 (31 F.R. 15750, December 14, 1966), invited public comments on certain proposed amendments to its proxy rules under section 14 (a) of that Act and its information rules under section 14(c) thereof. The Commission has, at the request of certain persons who desire further time to study the proposed amendments and submit comments thereon, extended the period within which comments may be submitted to March 3, 1967. As a result of the extension of time it is contemplated that no amendments, except as noted below, will be applicable to the pending proxy season but that the existing administrative practices referred to in the above release will continue to be followed. The postponement of definitive action on the proposed amendments will assist companies which are engaged in collecting information for inclusion in their proxy material for their current annual meeting and will give the Commission further time to consider the proposed amendments and the comments received thereon.

The Commission has, however, adopted the proposed amendments to Rules 14a-3 (17 CFR 240.14a-3 and 14c-3 (17 CFR 240.14c-3). The comments on the proposed amendments to these rules were generally favorable and few of them raised basic objections to the proposed amendments. It does not appear that the adoption of the amendments at this time will cause any difficulty. A brief description of the amendments to these rules is set forth below.

Paragraph (b) of Rule 14a-3 provides that if a solicitation is made on behalf of the management of the issuer and relates to an annual meeting at which directors are to be elected, the proxy statement shall be accompanied or preceded by an annual report to security holders containing financial statements for the last fiscal year. This paragraph has been amended to require an issuer, other than an investment company, to include in such annual report financial statements for the preceding fiscal year as well. Provision has been made, however, for the omission of statements for the earlier of such 2 years upon a showing of good cause therefor. Certification of the statements for only the last fiscal year is required, but certification for both fiscal years is permitted. Because special problems arise with respect to investment companies and because most of their reports will have been published by the effective date of the rule, it was determined not to make the change applicable to the reports of such companies at this time.

Paragraph (b) of the rule has been amended by adding thereto a note which makes it unnecessary to send a copy of the annual report to each of several record security holders having the same address if such security holders consent to the sending of a lesser number of copies. However, where a record security holder has an obligation to obtain or send the annual report to other persons, such as the beneficial owners of the securities held in his name, the new provision does not relieve the record holder of such obligation.

Paragraph (c) of Rule 14a-3 heretofore required four copies of each annual report sent to security holders to be furnished to the Commission for its information. This paragraph has been amended to require that seven copies of the annual report be furnished in order that the Commission may send copies to certain

regional offices of the Commission, including the regional office for the region in which the issuer has its principal office.

In order to maintain consistency between the proxy rules and the rules relating to information statements, Rule 14c–3 has been amended to conform to the amended Rule 14a–3.

Rules 14a–6 (17 CFR 240.14a–6) and 14c–5 (17 CFR 240.14c–5) have been amended to require the filing with the Commission of five copies of all preliminary material, in lieu of the three copies now required. The additional copies of such material are needed to expedite examination of the material and for recording in connection with the Commission's data processing program.

Commission action. The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, particularly sections 14(a), 14(c), and 23(a) thereof, hereby amends §§ 240.14a–3, 240.14a–6, 240.14c–3 and 240.14c–5 of Title 17 of the Code of Federal Regulations to read as set forth below. The amendments to §§ 240.14a–3 and 240.14c–3 shall be effective with respect to annual reports sent to security holders on or after March 1, 1967. The amendments to §§ 240.14a–6 and 240.14c–5 shall be effective with respect to preliminary material filed with the Commission on or after March 1, 1967.

By the Commission, January 24, 1967.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 240.14a–3 Information to be furnished to security holders.

(a) No solicitation subject to this regulation shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in Schedule 14A (§ 240.14a–101).

(b) If the solicitation is made on behalf of the management of the issuer, and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to such security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last 2 fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of its operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. The Commission may, upon the request of the issuer, permit the omission of financial statements for the earlier of such 2 fiscal years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operations of the issuer, shall be noted and the effect thereof reconciled or explained in such report. Financial statements included in the report may, however, omit such details or employ such condensations as may be deemed suitable by the management: *Provided,* That such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for at least the last fiscal year shall be certified by independent public or certified public accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal year are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expense.

(4) Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management.

(5) If the issuer has not previously submitted to its security holders an annual report pursuant to the rules and regulations under section 14 of the Act, the report shall also contain such information as to the business done by the issuer and its subsidiaries during the fiscal year as will, in the opinion of the management, indicate the general nature and scope of the business of the issuer and its subsidiaries.

This paragraph (b) shall not apply, however, to solicitations made on behalf of the management before the financial statements are available if solicitations is being made at the time in opposition to the management and if the management's proxy statement includes an undertaking in boldface type to furnish such annual report to all persons being solicited, at least 20 days before the date of the meeting.

NOTE: The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(c) Seven copies of each annual report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of solicitation material are filed with the Commission pursuant to § 240.14a–6(a) (Rule 14a–6(a)), whichever date is later. The annual report is not deemed to be "soliciting material" or to be "filed" with the Commission or subject to this regulation otherwise than as provided in this rule, or to the liabilities of section 18 of the Act, except to the extent that the issuer specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

§ 240.14a–6 Material required to be filed.

(a) Five preliminary copies of the proxy statement and form of proxy and any other soliciting material to be furnished to security holders concurrently therewith shall be filed with the Commission at least 10 days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor.

(b) Five preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Commission at least 2 days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as the Commission may authorize upon a showing of good cause therefor.

(c)–(h) [No change]

§ 240.14c–3 Annual report to be furnished security holders.

(a) If the information statement relates to an annual meeting of security holders at which directors are to be elected, it shall be accompanied or preceded by an annual report to such security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last 2 fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of its operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. The Commission may,

upon the request of the issuer, permit the omission of financial statements for the earlier of such 2 years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operations of the issuer, shall be noted and the effect thereof reconciled or explained in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management: *Provided*, That such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for at least the last fiscal year shall be certified by independent public or certified public accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal year are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expense.

(4) Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management.

(5) If the issuer has not previously submitted to its security holders an annual report pursuant to the rules and regulations under section 14 of the Act, the report shall also contain such information as to the business done by the issuer and its subsidiaries during the fiscal year as will, in the opinion of the management, indicate the general nature and scope of the business of the issuer and its subsidiaries.

NOTE: The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(b) Seven copies of each annual report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of the information statement are filed with the Commission pursuant to Rule 14c-5 (§ 240.14c-5), whichever date is later. The annual report is not deemed to be "filed" with the Commission or subject to this regulation otherwise than as provided in this rule, or to the liabilities of section 18 of the Act, except to the extent that the issuer specifically requests that it be treated as a part of the information statement or incorporates it therein by reference.

§ 240.14c-5 Filing of information statement.

(a) Five preliminary copies of the information statement shall be filed with the Commission at least 10 days prior to the date definitive copies of such statement are first sent or given to security holders, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor.

(b)-(d) [No change]

(Secs. 14 and 23; 48 Stat. 895 and 901, as amended; 15 U.S.C. 78n and 78w)

[F.R. Doc. 67-1023; Filed, Jan. 27, 1967; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6910]

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

PART 49—FACILITIES AND SERVICES EXCISE TAXES

Semimonthly Deposits of Certain Excise Taxes

On December 16, 1966, notice of proposed rule making with respect to amendment of the regulations which relate to semimonthly deposits in Government depositaries, of the excise taxes imposed by chapters 31, 32, 33, 34, and 37 of the Internal Revenue Code of 1954, as amended, which are reportable by return, was published in the FEDERAL REGISTER (31 F.R. 16157). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations so proposed are adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraphs (a)(1)(ii) and (b) of § 46.6302(c)-1, as set forth in paragraph 1 of the notice of proposed rule making, are changed.

PAR. 2. Subdivision (ii) of § 48.6302 (c)-1 (a)(1) as set forth in paragraph 3 of the notice of proposed rule making, is changed.

PAR. 3. Subparagraph (1) of § 49.6302 (c)-1 (a) as set forth in paragraph 6 of the notice of proposed rule making, is changed.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: January 26, 1967.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PARAGRAPH 1. Section 46.6302(c)-1 is amended by revising paragraphs (a)(1) and (b) and by adding a new paragraph (c). These revised and added provisions read as follows:

§ 46.6302(c)-1 Use of Government depositaries.

(a) *Requirement*—(1) *In general.* (i) Except as provided in subdivision (ii) of this subparagraph, if for any calendar month, other than the last month of a calendar quarter, any person required to file a quarterly excise tax return on Form 720 has a total liability of more than $100 for all excise taxes reportable on such form, the amount of such liability for taxes (to which this part relates) shall be deposited by him with a Federal Reserve bank on or before the last day of the month following such month. The provisions of this subdivision are not applicable with respect to taxes for the month in which the taxpayer receives notice from the district director that returns are required under paragraph (b) of § 46.6011(a)-1, or for any subsequent month for which such a return is required.

(ii) This subdivision shall apply to excise taxes (to which this part relates) which are reportable on Form 720 by any person for February and March 1967, or for a calendar quarter thereafter, if such person's total liability for all excise taxes reportable on such form for any calendar month in the preceding calendar quarter exceeded $2,000. In any case to which this subdivision applies, the excise tax for a semimonthly period (as defined in paragraph (b)(1) of this section) shall be deposited by such person in a Federal Reserve Bank on or before the depositary receipt date (as defined in paragraph (b)(2) of this section). A person will be considered to have complied with the requirements of this subdivision for a semimonthly period if—

(*a*)(*1*) His deposit for such semimonthly period is not less than 90 percent of the total amount of the excise taxes (to which this part and Part 48 relate) reportable by him on Form 720 for such period, and (2) if such period occurs in a month other than the last month in a calendar quarter, he deposits any underpayment for such month by the first day of the second month following such month; or

(*b*)(*1*) His deposit for each semimonthly period in the month is not less than 45 percent of the total amount of the excise taxes (to which this part and Part 48 relate) reportable by him on Form 720 for the month, and (2) if such month is other than the last month in a calendar quarter, he deposits any underpayment for such month by the first day of the second month following such month; or

(*c*)(*1*) His deposit for each semimonthly period in the month is not less than 50 percent of the total amount of the excise taxes (to which this part and Part 48 relate) reportable by him on Form 720 for the preceding calendar month, and (2) if such month is other than the last month in a calendar quar-

ter, he deposits any underpayment for such month by the first day of the second month following such month.

Accordingly, a person who makes his deposits in accordance with the provisions of (*b*) or (*c*) of this subdivision will not find it necessary to keep his books and records on a semimonthly basis. However, (*b*) and (*c*) of this subdivision shall not apply to any such person who normally incurs in the first semimonthly period in each month more than 75 percent of his total excise tax liability (to which this part and Part 48 relate) for the month.

* * * * *

(b) *Definitions.* For purposes of this part—

(1) *Semimonthly period.* A "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th day of such month.

(2) *Depositary receipt date.* With respect to the first semimonthly period of a month, the "depositary receipt date" is the first day of the month following such month. With respect to the second semimonthly period of a month, the "depositary receipt date" is the 15th day of the month following such month.

(c) *Manner of making remittances.* Each remittance required by paragraph (a)(1) of this section shall be accompanied by a Depositary Receipt for Federal Excise Taxes (Form 537) prepared in accordance with the instructions and regulations applicable thereto. The person shall forward his remittance, together with the depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittances of the taxes for transmission to a Federal Reserve bank. The depositary receipt will be returned to the person after the Federal Reserve bank has validated it. Every person making deposits pursuant to this section shall attach to his return for the calendar quarter with respect to which deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay the balance, if any, of the taxes due for the quarter. A person with a total liability of not more than $100 for a calendar month may nevertheless deposit the tax if he so desires.

MANUFACTURERS AND RETAILERS EXCISE TAXES

PAR. 2. Section 48.0–4 is amended to read as follows:

§ 48.0–4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the Manufacturers and Retailers Excise Tax Regulations contained in Part 40 of this chapter and, to the extent not superseded by the regulations contained in such Part 40, the following regulations and such regulations as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, Aug. 17, 1954):

Taxes on gasoline, lubricating oil, and matches—Regulations 44 (1944 edition, as amended), 26 CFR (1939) Part 314.

Excise taxes on sales by the manufacturer—Regulations 46 (1940 edition, as amended), 26 CFR (1939) Part 316.

Excise tax on sale of pistols and revolvers—Regulations 47 (Revised October 1928, as amended), 26 CFR (1939) Part 302.

Retailers excise taxes—Regulations 51 (1941 edition, as amended), 26 CFR (1939) Part 320.

Excise tax on diesel fuel—Regulations 119, 26 CFR (1939) Part 324.

The regulations in this part, with respect to the subject matter within the scope thereof, also supersede paragraph (c) of § 477.4 (Regulations on Return and Payment of Certain Excise Taxes (26 CFR (1939) Part 477)).

PAR. 3. Immediately after § 48.6206–1, there are added the following new sections:

§ 48.6302(c) Statutory provisions; mode or time of collection.

Sec. 6302. *Mode or time of collection.* * * *

(c) *Use of Government depositaries.* The Secretary or his delegate may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed under the internal revenue laws, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the Secretary or his delegate.

[Sec. 6302(c) as originally enacted and in effect Jan. 1, 1959]

§ 48.6302(c)–1 Use of Government depositaries.

(a) *Requirement*—(1) *In general.* (i) Except as provided in subdivision (ii) of this subparagraph, if for any calendar month, other than the last month of a calendar quarter, any person required to file a quarterly excise tax return on Form 720 has a total liability of more than $100 for all excise taxes reportable on such form, the amount of such liability for taxes (to which this part relates) shall be deposited by him with a Federal Reserve bank on or before the last day of the month following such month.

(ii) This subdivision shall apply to excise taxes (to which this part relates) which are reportable on Form 720 by any person for February and March 1967, or for a calendar quarter thereafter, if such person's total liability for all excise taxes reportable on such form for any calendar month in the preceding calendar quarter exceeded $2,000. A person shall deposit the excise taxes to which this subdivision applies in a Federal Reserve bank on or before the last day of the semimonthly period (as defined in paragraph (b) of this section) following the semimonthly period for which the taxes are reportable. A person will be considered to have complied with the requirements of this subdivision for a semimonthly period if—

(*a*)(*1*) His deposit for such semimonthly period is not less than 90 percent of the total amount of the excise taxes (to which this part and Part 46 relate) reportable by him on Form 720 for such period, and (*2*) if such period occurs in a month other than the last month in a calendar quarter, he deposits any underpayment for such month by the last day of the following month; or

(*b*)(*1*) His deposit for each semimonthly period in the month is not less than 45 percent of the total amount of the excise taxes (to which this part and Part 46 relate) reportable by him on Form 720 for the month, and (*2*) if such month is other than the last month in a calendar quarter, he deposits any underpayment for such month by the last day of the following month; or

(*c*)(*1*) His deposit for each semimonthly period in the month is not less than 50 percent of the total amount of the excise taxes (to which this part and Part 46 relate) reportable by him on Form 720 for the preceding calendar month, and (*2*) if such month is other than the last month in a calendar quarter, he deposits any underpayment for such month by the last day of the following month.

Accordingly, a person who makes his deposits in accordance with the provisions of (*b*) or (*c*) of this subdivision will not find it necessary to keep his books and records on a semimonthly basis. However, (*b*) and (*c*) of this subdivision shall not apply to any such person who normally incurs in the first semimonthly period in each month more than 75 percent of his total excise tax liability (to which this part and Part 46 relate) for the month. Notwithstanding the other provisions of this subdivision, in the case of a wholesale distributor described in section 4082(d), all amounts required to be deposited under this subdivision with respect to the excise taxes for a semimonthly period in the month of February, March or April 1967 may be deposited on or before the last day of the second semimonthly period following such semimonthly period.

(2) *Procurement of depositary receipt form.* A person not supplied with Form 537, Depositary Receipt for Federal Excise Taxes, should make application therefor to the district director in ample time to have the form available for use in making his initial deposit within the time prescribed in subparagraph (1) of this paragraph. Thereafter, a blank form will be sent to the person by the Federal Reserve bank when returning the validated depositary receipt. A person may secure additional forms from a Federal Reserve bank by applying therefor and advising the bank of his identification number. The person's identification number and name, as entered on each depositary receipt, shall be the same as the number and name required to be shown on the return to be filed. For rules relating to employer identification numbers, see § 48.6109–1. The address of the person, as shown on each depositary receipt, shall be the address to

which the receipt should be returned following validation by the Federal Reserve bank.

(b) *Definition of semimonthly period.* A "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th day of such month.

(c) *Manner of making remittances.* Each remittance required by paragraph (a)(1) of this section shall be accompanied by a Depositary Receipt for Federal Excise Taxes (Form 537) prepared in accordance with the instructions and regulations applicable thereto. The person shall forward his remittance, together with the depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittances of the taxes for transmission to a Federal Reserve bank. The depositary receipt will be returned to the person after the Federal Reserve bank has validated it. Every person making deposits pursuant to this section shall attach to his return for the calendar quarter with respect to which deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay the balance, if any, of the taxes due for the quarter. A person with a total liability of not more than $100 for a calendar month may nevertheless deposit the tax if he so desires.

FACILITIES AND SERVICES EXCISE TAXES

PAR. 4. Section 49.0–4 is amended to read as follows:

§ 49.0–4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the Facilities and Services Excise Tax Regulations contained in Part 42 of this chapter and, to the extent not superseded by the regulations contained in such Part 42, the following regulations and such regulations as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, Aug. 17, 1954):

Safe deposit boxes, transportation of oil by pipeline, telephone, telegraph, radio and cable messages and services, and transportation of persons.	Regulations 42 (1942 edition, as amended), 26 CFR (1939) Part 130.
Admissions, dues, and initiation fees.	Regulations 43 (1941 edition, as amended), 26 CFR (1939) Part 101.

The regulations in this part, with respect to the subject matter within the scope thereof, also supersede paragraph (a) of § 477.3 and paragraph (c) of § 477.4 (Regulations on Return and Payment of Certain Excise Taxes (26 CFR (1939) Part 477)) and Treasury Decision 6131, signed April 29, 1955 (20 F.R. 3024, May 5, 1955).

PAR. 5. Immediately before § 49.6109, there are added the following new sections:

§ 49.6071(a) Statutory provisions: time for filing returns and other documents.

Sec. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

[Sec. 6071(a) as originally enacted and in effect Jan. 1, 1959]

§ 49.6071(a)–1 Time for filing quarterly returns.

(a) *Quarterly returns for return periods ended after December 31, 1966.* Each quarterly return required to be made with respect to the excise taxes (to which this part relates) for a return period ended after December 31, 1966, of not less than one calendar quarter shall be filed on or before the last day of the second calendar month after such period.

(b) *Termination of special due date.* No special due date for filing a return obtained under the Internal Revenue Code of 1939 (made applicable to the 1954 Code by Treasury Decision 6131, signed Apr. 29, 1955 (20 F.R. 3024, May 5, 1955)) shall apply in the case of the return for any return period ended after December 31, 1966.

PAR. 6. Immediately after § 49.6109–1, there are added the following new sections:

§ 49.6302(c) Statutory provisions; mode or time of collection.

Sec. 6302. *Mode or time of collection.* * * *

(c) *Use of Government depositaries.* The Secretary or his delegate may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed under the internal revenue laws, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the Secretary or his delegate.

[Sec. 6302(c) as originally enacted and in effect Jan. 1, 1959]

§ 49.6302(c)–1 Use of Government depositaries.

(a) *Requirement*—(1) *In general.* (i) Except as provided in subdivision (ii) of this subparagraph, if for any calendar month, other than the last month of a calendar quarter, any person required to file a quarterly excise tax return on Form 720 has a total liability of more than $100 for all excise taxes reportable on such form, the amount of such total liability shall be deposited by him with a Federal Reserve bank on or before the last day of the month following such month or, in the case of a person who has obtained a special deposit date under the Internal Revenue Code of 1939 (made applicable to the 1954 Code by Treasury Decision 6131, signed April 29, 1955 (20 F.R. 3024, May 5, 1955)), on or before such special deposit date.

(ii) This subdivision shall apply to excise taxes (to which this part relates) which are collected (see subdivision (iii) of this subparagraph for amounts which are considered as collected) during February and March 1967, or during a calendar quarter thereafter, by any person required to pay over such taxes, if such person's total liability for all excise taxes reportable on Form 720 for any calendar month in the preceding calendar quarter exceeded $2,000. A person shall deposit the excise taxes to which this subdivision applies in a Federal Reserve bank within 3 banking days after the close of the semimonthly period (as defined in paragraph (b) of this section) during which such taxes were collected. A person will be considered to have complied with the requirements of this subdivision for a semimonthly period if—

(*a*)(*1*) His deposit for such semimonthly period is not less than 90 percent of the total amount of the excise taxes (to which this part relates) collected by him during such period, and (*2*) if such period occurs in a month other than the last month in a calendar quarter, he deposits any underpayment for such month by the last day of the following month; or

(*b*)(*1*) His deposit for each semimonthly period in the month is not less than 45 percent of the total amount of the excise taxes (to which this part relates) collected by him during the month, and (*2*) if such month is other than the last month in a calendar quarter, he deposits any underpayment for such month by the last day of the following month; or

(*c*)(*1*) His deposit for each semimonthly period in the month is not less than 50 percent of the total amount of the excise taxes (to which this part relates) collected by him during the preceding calendar month, and (*2*) if such month is other than the last month in a calendar quarter, he deposits any underpayment for such month by the last day of the following month.

Accordingly, a person who makes his deposits in accordance with the provisions of (*b*) or (*c*) of this subdivision will not find it necessary to keep his books and records on a semimonthly basis. However, (*b*) and (*c*) of this subdivision shall not apply to any such person who normally collects in the first semimonthly period in each month more than 75 percent of his total excise taxes (to which this part relates) collected during the month. Notwithstanding the other provisions of this subdivision, all amounts required to be deposited under this subdivision with respect to taxes collected during February 1967 may be deposited within 3 banking days after the close of such month.

(iii) For purposes of applying this subparagraph to a person who computes amounts of tax required to be paid over on the basis of amounts billed (in the case of the tax imposed by section 4251) or tickets sold (in the case of the tax imposed by section 4261), the tax so

computed for a semimonthly period shall be considered as collected during the second succeeding semimonthly period. A person must notify the Commissioner before changing from one method of computing the tax to another, so that proper adjustments may be made in order to properly reflect the person's excise tax liability.

(2) *Procurement of depositary receipt form.* A person not supplied with Form 537, Depositary Receipt for Federal Excise Taxes, should make application therefor to the district director in ample time to have such form available for use in making his initial deposit within the time prescribed in subparagraph (1) of this paragraph. Thereafter, a blank form will be sent to the person by the Federal Reserve bank when returning the validated depositary receipt. A person may secure additional forms from a Federal Reserve bank by applying therefor and advising the bank of his identification number. The person's identification number and name, as entered on each depositary receipt, shall be the same as the number and name required to be shown on the return to be filed. For rules relating to employer identification numbers, see § 49.6109–1. The address of the person, as shown on each depositary receipt, shall be the address to which the receipt should be returned following validation by the Federal Reserve bank.

(b) *Definition of semimonthly period.* A "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th day of such month.

(c) *Manner of making remittances.* Each remittance required by paragraph (a)(1) of this section shall be accompanied by a Depositary Receipt for Federal Excise Taxes (Form 537) prepared in accordance with the instructions and regulations applicable thereto. The person shall forward his remittance, together with the depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittances of the taxes for transmission to a Federal Reserve bank. The depositary receipt will be returned to the person after the Federal Reserve bank has validated it. Every person making deposits pursuant to this section shall attach to his return for the calendar quarter with respect to which deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay the balance, if any, of the taxes due for the quarter. A person with a total liability of not more than $100 for a calendar month may nevertheless deposit the tax if he so desires.

(d) *Termination of special deposit date.* No special deposit date, obtained under the Internal Revenue Code of 1939 (made applicable to the 1954 Code by Treasury Decision 6131, signed Apr. 29, 1955 (20 F.R. 3024, May 5, 1955)) shall apply in the case of a deposit required by paragraph (a)(1)(ii) of this section.

[F.R. Doc. 67-1095; Filed, Jan. 27, 1967; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 375-67]

PART 50—STATEMENTS OF POLICY

Notification of Consular Officers Upon Arrest of Foreign Nationals

By virtue of the authority vested in me by section 301 of Title 5 of the United States Code and sections 508(a), 509, and 510 of Title 28 of the United States Code (as amended by Public Law 89-554), Part 50 of Title 28 of the Code of Federal Regulations is amended by adding a new § 50.5 in the form set forth below.

Dated: January 23, 1967.

RAMSEY CLARK,
Acting Attorney General.

§ 50.5 Notification of Consular Officers upon the arrest of foreign nationals.

(a) This statement is designed to establish a uniform procedure for consular notification where nationals of foreign countries are arrested by officers of this Department on charges of criminal violations. It conforms to practice under international law and in particular implements obligations undertaken by the United States pursuant to treaties with respect to the arrest and detention of foreign nationals. Some of the treaties obligate the United States to notify the consular officer only upon the demand or request of the arrested foreign national. On the other hand, some of the treaties require notifying the consul of the arrest of a foreign national whether or not the arrested person requests such notification.

(1) In every case in which a foreign national is arrested the arresting officer shall inform the foreign national that his consul will be advised of his arrest unless he does not wish such notification to be given. If the foreign national does not wish to have his consul notified, the arresting officer shall also inform him that in the event there is a treaty in force between the United States and his country which requires such notification, his consul must be notified regardless of his wishes and, if such is the case, he will be advised of such notification by the U.S. Attorney.

(2) In all cases (including those where the foreign national has stated that he does not wish his consul to be notified) the local office of the Federal Bureau of Investigation or the local Marshal's office, as the case may be, shall inform the nearest U.S. Attorney of the arrest and of the arrested person's wishes regarding consular notification.

(3) The U.S. Attorney shall then notify the appropriate consul except where he has been informed that the foreign national does not desire such notification to be made. However, if there is a treaty provision in effect which requires notification of consul, without reference to a demand or request of the arrested national, the consul shall be notified even if the arrested person has asked that he not be notified. In such case, the U.S. Attorney shall advise the foreign national that his consul has been notified and inform him that notification was necessary because of the treaty obligation.

(b) The procedure prescribed by this statement shall not apply to cases involving arrests made by the Immigration and Naturalization Service in administrative expulsion or exclusion proceedings, since that Service has heretofore established procedures for the direct notification of the appropriate consular officer upon such arrest. With respect to arrests made by the Service for violations of the criminal provisions of the immigration laws, the U.S. Marshal, upon delivery of the foreign national into his custody, shall be responsible for informing the U.S. Attorney of the arrest in accordance with numbered paragraph 2 of this statement.

[F.R. Doc. 67-1040; Filed, Jan. 27, 1967; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of the Treasury

[CGFR 66-61]

PART 11-3—PROCUREMENT BY NEGOTIATION

Subpart 11-3.2—Circumstances Permitting Negotiation

MISCELLANEOUS AMENDMENTS

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530):

1. Section 11-3.201 is revised to read as follows:

§ 11-3.201 National emergency.

(a) *Authority.* Section 2304(a)(1) of 10 U.S.C. is applicable for Coast Guard procurement under this section.

(b) *Application.* For the duration of the national emergency declared pursuant to Presidential Proclamation 2914, dated December 16, 1950, the Commandant of Coast Guard has determined that only the following procurements may be made pursuant to the authority of 10 U.S.C. 2304(a)(1):

(1) procurements made in keeping with (i) labor surplus set-aside programs including, when no other negotiating authority is appropriate and the use of formal advertising is not feasible and practicable, the placement of contracts for the total or any part of the requirements set-aside which are not filled by awards made in accordance with the provisions of the Notice of Labor Surplus Area Set-Aside (see § 1-1.804 of this title), or (ii) disaster area programs; and

(2) procurements made in keeping with the small business programs (i) after determinations for set-asides, or (ii) to place the total or any part of the requirements set-aside which are not filled by awards to small business concerns, when no other negotiating authority is appropriate and the use of formal advertising is not feasible and practicable (see § 1–1.706–7 of this title).

(c) *Limitation.* The authority of this § 11–3.201 shall not be used when negotiation is authorized by the provisions of § 11–3.206 except that, in the event of a labor surplus or unilateral small business set-aside, this authority shall be used in preference to any other authority in this Subpart 11–3.2. The authority of this section shall not be used to negotiate a reasonable price with a low responsible small business bidder whose bid has been determined by the contracting officer to be an unreasonable bid under Small Business Restricted Advertising procedures. When such an unreasonable bid is received, the set-aside shall be dissolved and the requirement procured on an unrestricted basis by the use of formal advertising or where appropriate by other negotiation authority in accordance with existing regulations.

2. Section 11–3.203 is revised to read as follows:

§ 11–3.203 Purchases not in excess of $2,500.

Section 2304(a)(3) of 10 U.S.C. is applicable for Coast Guard procurement under this section.

(a) *Application.* Contracts or purchases aggregating $2,500 or less for professional nonpersonal architect-engineer service shall be made under the authority of this § 11–3.203 rather than under any of the other sections in this Subpart 11–3.2. Management-engineering, miscellaneous personal or professional service contracts or purchases regardless of dollar amount shall be negotiated under the authority of 10 U.S.C. 2304(a)(4) (see § 1–3.204 of this title and § 11–3.204).

(b) *Procedure.* Purchases and contracts aggregating not more than $2,500 shall be made in accordance with Subpart 1–3.6 of this title as implemented by Subpart 11–3.6 of this chapter and Coast Guard Comptroller Manual, Chapter 4 of Volume 3.

3. Section 11–3.215 is revised to read as follows:

§ 11–3.215 Otherwise authorized by law.

(a) *Authority.* Section 2304(a)(17) of 10 U.S.C. is applicable for Coast Guard procurement under this section.

(b) *Application.* The contract shall cite as authority to negotiate in addition to 10 U.S.C. 2304(a)(17), the applicable statute or United States Code reference. The following United States Code references are illustrative of statutes which may be cited in appropriate cases in conjunction with paragraph (a) of this section:

(1) 41 U.S.C. 48, blind-made supplies (Subpart 11–5.54 of this chapter).

(2) 18 U.S.C. 4124, prison-made supplies (Subpart 11–5.53 of this chapter).

(3) 49 U.S.C. 65, transportation services procured from any common carrier lawfully operating in the territory where such services are to be performed.

(c) *Limitation.* Except as provided in paragraphs (b)(1), (b)(2), and (b)(3) of this section, this authority shall not be used to negotiate a contract without the prior approval of Commandant (F), and the contract file should contain, or cross-reference, information indicating the necessary approval.

4. Section 11–3.252 is revised to read as follows:

§ 11–3.252 Construction work.

(a) *Authority.* Contracts to construct or repair any building, road, sidewalk, sewer main, or similar items are subject to 10 U.S.C. 2304(c) and this § 11–3.252.

(b) *Limitation on authority to negotiate contracts.* Contracts for construction shall be formally advertised whenever such method is feasible and practicable (but see § 1–1.706–8 of this title), even though negotiation may be authorized as indicated hereafter.

§ 11–3.252–1 Work in the United States.

Contracts for construction mentioned in this section, to be performed in the United States, its possessions and Puerto Rico will not be negotiated unless authorized pursuant to subsections 10 U.S.C. 2304(a) (1), (2), (3), (10), (11), (12), or (15). Contracts to be performed in the possessions of the United States and Puerto Rico may not be negotiated pursuant to 10 U.S.C. 2304(a)(6) (§ 11–3.206).

§ 11–3.252–2 Work outside the United States.

Contracts for construction to be procured outside and used outside the United States and its territories, possessions and Puerto Rico shall be negotiated pursuant to 10 U.S.C. 2304(a)(6) (§ 11–3.206). Contracts for construction to be procured in the United States and its territories, possessions and Puerto Rico and used outside the United States shall be formally advertised, unless negotiation is otherwise authorized by subsections 10 U.S.C. 2304(a) (1), (2), (3), (10), (11), (12), or (15).

Dated: December 21, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67–1055; Filed, Jan. 27, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 1]

DEFINITIONS; RECORDS OF CASH COMMODITY AND FUTURES TRANSACTIONS

Notice of Proposed Rule Making

Notice is hereby given, in accordance with the administrative procedure provisions of 5 U.S.C. section 553, that the Department of Agriculture, pursuant to the authority of section 8a of the Commodity Exchange Act, as amended (7 U.S.C. 12a), is considering the amendment of §§ 1.3 and 1.35 of the general regulations (17 CFR 1.3, 1.35) under the Commodity Exchange Act in the following respects:

1. Section 1.3 would be amended by adding thereto a new paragraph (x) reading as follows:

§ 1.3 **Definitions.**

* * * * *

(x) *Floor trader.* A member of a contract market who, on the exchange floor, executes a futures trade for his own account or an account controlled by him, or has such a trade made for him.

2. Section 1.35 would be amended to read as follows:

§ 1.35 **Records of cash commodity and futures transactions.**

(a) *Futures commission merchants and members of contract markets.* Each futures commission merchant and each member of a contract market shall keep full, complete, and systematic records, together with all pertinent data and memoranda, of all transactions relating to his business of dealing in commodity futures and cash commodities. He shall retain the required records, data, and memoranda in accordance with the requirements of § 1.31, and shall produce them for inspection and shall furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the U.S. Department of Agriculture or the U.S. Department of Justice. Included among such records shall be all orders (filled, unfilled, or canceled), trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, copies of statements of purchase and sale and all other records, data, and memoranda which have been prepared in the course of his business of dealing in commodity futures and cash commodities.

(b) *Futures commission merchants and clearing members of contract markets.* Each futures commission merchant and each clearing member of a contract market shall, as a minimum requirement, prepare regularly and promptly, and keep systematically and in permanent form, the following:

(1) A financial ledger record which will show separately for each customer all charges against and credits to such customer's account, including but not limited to funds or securities deposited, withdrawn, or transferred, and charges or credits resulting from losses or gains on closed transactions;

(2) A record of transactions which will show separately for each account (including house accounts) all commodity futures transactions executed for such account, including the date, price, quantity, market, commodity, and future; and

(3) A record or journal which will show separately for each business day complete details of all commodity futures transactions executed on that day, including the date, price, quantity, market, commodity, future, and the person for whom such transaction was made.

(c) *Clearing members of contract markets.* In the daily record or journal required to be kept under paragraph (b)(3) of this section, each clearing member of a contract market shall also show the floor broker or floor trader executing each transaction, the opposite floor broker or floor trader, and the opposite clearing member with whom it was made.

(d) *Members of contract markets.* Each member of a contract market who, in the place provided by the contract market for the meeting of persons similarly engaged, executes purchases or sales of any commodity for future delivery on or subject to the rules of such contract market, shall prepare regularly and promptly a trading card or other record showing such purchases and sales. Such trading card or record shall show his own name, the name of the member firm clearing the trade, the date, price, quantity, commodity and future, and shall clearly identify the opposite floor broker or floor trader with whom such transaction was executed, and the opposite clearing member.

(e) *Contract markets.* Each contract market shall maintain of cause to be maintained by its clearing organization a record which shall show for each trade: The date, commodity, future, quantity, price, floor broker or floor trader buying, clearing member buying, floor broker or floor trader selling, clearing member selling, and a symbol indicating the customer type. The customer type indicator shall show whether the person executing the trade:

(1) Was trading for his own account or an account which he controlled;

(2) Was trading for his clearing member's house account;

(3) Was trading for another member present on the exchange floor, or an account controlled by such other member; or

(4) Was trading for any other type of customer.

Such record shall show, by appropriate and uniform symbols, exchanges of futures for cash, transfer trades, and trades cleared on dates other than the date of execution.

The volume of futures trading in regulated commodities has increased tremendously and is expected to continue at very high levels. Because of this, the Commodity Exchange Authority must make use of electronic data processing equipment and techniques in the enforcement of the Commodity Exchange Act. Electronic data processing requires that more uniform, and some additional, records be maintained by members of contract markets and the contract markets themselves. The proposed revision of § 1.35 is intended to make available the information needed by the Authority to enable it to detect illegal trading practices which are detrimental to market users and to the general public. The definition of "floor trader" would be added to § 1.3 for purposes of clarity.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at Room 149-W, Administration Building, U.S. Department of Agriculture, Washington, D.C., between the hours of 9 a.m. and 5:30 p.m. on any business day.

Done at Washington, D.C., this 25th day of January 1967.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[F.R. Doc. 67-1031; Filed, Jan. 27, 1967; 8:46 a.m.]

Consumer and Marketing Service

[7 CFR Parts 1062, 1067, 1102]

[Docket Nos. AO 10-A39, AO 222-A23, AO 237-A15-R03]

MILK IN ST. LOUIS, MO., OZARKS, AND FORT SMITH MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and

procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Gateway Hotel, 822 Washington Boulevard, St. Louis, Mo., beginning at 10 a.m., local time, on February 28, 1967, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the St. Louis, Mo., and Ozarks marketing areas. With respect to the orders regulating the handling of milk in the Fort Smith and Ozarks marketing areas, this hearing represents a reopening of the joint hearing held November 2, 1966, at Fayetteville, Ark. (Docket No. AO 237–A15) only for the purpose of considering inclusion of Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone Counties, Ark., in the proposed merged Ozarks-St. Louis marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the St. Louis, Mo., and Ozarks marketing areas raise the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

A proposal to combine under one order the Ozarks and St. Louis, Mo., marketing areas along with additional territory contemplates a merger of the administrative and marketing service funds of the two orders. This proposal also raises the issue of whether the present provisions of either the Ozarks or St. Louis, Mo., orders, if amended in accordance with the proposals raised below, would tend to effectuate the declared policy of the Act if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of either of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Producers Creamery Co., Sanitary Milk Producers, and Square Deal Milk Producers:

Proposal No. 1. Combine under one order the Ozarks and St. Louis, Mo., marketing areas and additional territory as proposed. Merge the administrative, marketing service, and producer-settlement funds and make such conforming changes as are necessary to integrate the two orders. The complete regulatory terms and said consolidated order are proposed as follows:

DEFINITIONS

§ 1062.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1062.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1062.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1062.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1062.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales or marketing milk or its products for its members.

§ 1062.6 St. Louis-Ozarks marketing area.

"St. Louis-Ozarks marketing area", hereafter called the "marketing area" means the territory within the corporate limits of the cities of St. Louis and St. Charles and the territory within the Missouri counties of Barry, Bollinger, Cape Girardeau, Christian, Crawford, Douglas, Franklin, Greene, Howell, Jefferson, Laclede, Lawrence, Ozark, Perry, Phelps, Pulaski, St. Francois, Ste. Genevieve, St. Louis, Stone, Taney, Texas, Washington, Webster, and Wright; and the territory within Scott Military Reservation and East St. Louis, Centerville, Canteen, and Stites Townships and the city of Belleville, all in St. Clair County, Ill.

§ 1062.7 Producer.

"Producer" means any person (other than a producer-handler as defined in any order including this part issued pursuant to the Act, or a person who is a producer under the terms of another order issued pursuant to the Act) who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is:

(a) Received at a pool plant; or

(b) Diverted as producer milk pursuant to § 1062.14.

§ 1062.8 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such association;

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association. In this case the milk is received from producers by the cooperative association at the location of the plant to which it is delivered; and

(e) A producer-handler, or any person who operates an other order plant described in § 1062.61.

§ 1062.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets the qualifications specified in paragraphs (a) and (b) of this section:

(a) Receipts of fluid milk products at his plant are solely milk of his own production, from pool plants of other handlers, and packaged fluid milk products from other order plants; and

(b) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 1062.10 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which during the month route disposition is made in the marketing area.

§ 1062.11 Supply plant.

"Supply plant" means a plant from which fluid milk products, acceptable to an appropriate health authority for distribution under a Grade A label, are shipped during the month to and physically received at a distributing plant.

§ 1062.12 Pool plant.

"Pool plant" means:

(a) Any distributing plant, other than that of a producer-handler or one described in § 1062.61, which:

(1) Disposes of through route disposition fluid milk products in an amount equal to 50 percent or more during the month of such plant's total receipts of Grade A milk direct from dairy farmers, supply plants and cooperative associations in their capacity as a handler pursuant to § 1062.8(d) and has route disposition in the marketing area in an amount equal to 10 percent or more of such receipts or an average of not less than 7,000 pounds per day, whichever is less; or

(2) Qualified as a pool plant in the immediately preceding month on the basis of the performance standards described in subparagraph (1) of this paragraph;

(b) Any supply plant from which during the month the Grade A milk received from dairy farmers and cooperative associations in their capacity as a handler pursuant to § 1062.8(d) is shipped to a plant(s) described in paragraph (a) of this section at not less than the percentages specified below:

Month	Percentage
September, December, and March through August	50
October	60
November	70
January	30
February	20

Any supply plant which has shipped to a plant(s) described in paragraph (a) of this section the required percentages of its receipts during each of the months of September through February shall be designated a pool plant in each of the following months of March through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant. Such nonpool plant status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments; and

(c) Any plant which is operated by a cooperative association and 60 percent or more of the milk delivered during the current month by producers who are members of such association is delivered directly or is transferred by the association to pool plants as described in paragraphs (a) and (b) of this section, unless such a plant qualifies for the month as a "pool plant" under another order issued pursuant to the Act by delivering 50 percent or more of its Grade A receipts from dairy farmers to plants which qualified as "pool plants" under such other order; and

(d) Any plant operated by or under contract to a cooperative association or a federation of cooperatives if members of such cooperative association or federation deliver 60 percent of total producer milk received at pool distributing plants during the month.

§ 1062.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant which has route disposition of fluid milk products labeled Grade A in consumer-type packages or dispenser units in the marketing area during the month; and

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1062.14 Producer milk.

"Producer milk" shall be that skim milk and butterfat for each handler's account in the following milk from producers:

(a) With respect to the operations of a pool plant:

(1) Received directly from such producers;

(2) Diverted by the operator of such pool plant to a nonpool plant, subject to the condition of paragraph (c) of this section; and

(3) Which is received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1062.8(d), for all purposes other than those specified in paragraph (b)(2)(i) of this section;

(b) With respect to receipts by a cooperative association in addition to those pursuant to paragraph (a) of this section:

(1) For which such cooperative association is the handler pursuant to § 1062.8(c), subject to the condition of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1062.8 (d) to the following extent:

(i) For purposes of reporting pursuant to §§ 1062.30(c) and 1062.31(a) and making payments to producers pursuant to § 1062.80(a); and

(ii) For all purposes, with respect to any such milk which is not delivered to the pool plant of another handler; and

(c) Diverted pursuant to the following conditions:

(1) By the operator of a pool plant to another pool plant(s) for not more than 10 days' production;

(2) To a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act if at least 8 days' production of milk during the month from such producer is physically received at a pool plant(s) and in the case of:

(i) The operator of a pool plant such diversion does not exceed 25 percent of the volume of milk from producers not members of a cooperative association physically received at such pool plant during each of the months of March through August and not greater than 10 percent during each of the months of September through February; and

(ii) A cooperative association in its capacity as a handler pursuant to § 1062.8(c) such diversion does not exceed 25 percent of the volume of milk of its member producers physically received at a pool plant(s) during each of the months of September through February;

(3) By the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1062.8 (c) to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more than 10 days' production if such milk is not fully subject to the pricing and pooling provisions of such other order;

(4) Any milk so diverted by the operator of a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1062.8(c) in excess of the limits prescribed pursuant to subparagraphs (1), (2), and (3) of this paragraph shall not be producer milk and if the diverting handler fails to designate the dairy farmers whose milk is not producer milk, then no milk diverted by such handler during the month shall be producer milk;

(5) For pricing purposes, milk diverted pursuant to subparagraph (1) of this paragraph or to a nonpool plant located more than 120 miles from the City Hall in St. Louis (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), shall be deemed to be received by the diverted handler at the location of the plant to which diverted; and

(6) For pricing purposes, milk diverted pursuant to subparagraphs (2) or (3) of this paragraph to a nonpool plant located 120 miles or less from St. Louis (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), shall be deemed to be received at the location of the plant from which diverted.

§ 1062.15 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

(a) Receipts of fluid milk products during the month except:

(1) Fluid milk products received from pool plants; and

(2) Producer milk; and

(b) Products, other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1062.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, concentrated milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored) "modified or fortified", including "dietary milk products" and reconstituted milk or skim milk, sour cream and sour cream products labeled Grade A, cream or any mixture in fluid form of milk or skim milk and cream (except frozen or aerated cream, ice cream or frozen dessert mixes, eggnog and sterilized milk and milk products hermetically sealed in a container and so processed either before or after sealing so as to prevent microbial spoilage).

§ 1062.17 Route disposition.

"Route disposition" or disposed of on routes means any delivery of a fluid milk product from a distributing plant to a retail or wholesale outlet (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery of a fluid milk product to any milk processing plant or to commercial food establishments pursuant to § 1062.41(b)(4).

§ 1062.18 Chicago butter price.

"Chicago butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1062.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1062.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 1062.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1062.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1062.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keeps such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports, pursuant to §§ 1062.30 through 1062.32; or

(2) Made payments pursuant to §§ 1062.80 through 1062.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and mail to each handler at his last known address the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 1062.51(a) and the Class I butterfat differential pursuant to § 1062.52(a), both for the current month; and the minimum price for Class II milk computed pursuant to § 1062.51(b) and the Class II butterfat differential pursuant to § 1062.52(b), all for the previous month;

(2) On or before the 10th day of each month the uniform price computed pursuant to § 1062.71 and the butterfat differential computed pursuant to § 1062.81, both for the previous month;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information;

(k) On or before the 10th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1062.8(d) in each class by each handler who in the previous month received milk from members of such cooperative association;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1062.46(a)(9) and the corresponding step of § 1062.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1062.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis

of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

RECORDS, REPORTS AND FACILITIES

§ 1062.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, reports for such month shall be made to the market administrator in the detail and on forms prescribed by the market administrator:

(a) Each handler described in § 1062.8 (a) shall report with respect to each of his pool plants as follows:

(1) Receipts of skim milk and butterfat in:

(i) Producer milk;

(ii) Fluid milk products received from other pool plants; and

(iii) Other source milk, with the identity of each source;

(2) Opening inventories of fluid milk products;

(3) The utilization or disposition of all quantities required to be reported, including separate statements of quantities;

(i) Of bulk fluid milk products on hand at the end of the month;

(ii) Of packaged fluid milk products on hand at the end of the month; and

(iii) Of route disposition of fluid milk products in the marketing area; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each handler described in § 1062.8(b) shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those of producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1062.8 (c) and (d), as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1062.8(c);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1062.8(d); and

(4) Such other information as the market administrator may require.

§ 1062.31 Payroll reports.

On or before the 20th day after the end of the month each handler described in § 1062.8(a), for each of his pool plants, and each cooperative association with respect to milk for which it is the handler pursuant to § 1062.8 (c) and (d) shall submit to the market administrator the producer payroll and each handler making payments pursuant to § 1062.62(a) his payroll for dairy farmers delivering Grade A milk, which shall show for each producer or dairy farmer:

(a) The name and address;

(b) The total pounds of milk received and the average butterfat content thereof;

(c) The total pounds of milk diverted and the location of the nonpool plant; and

(d) The price, amount and date of payment with the nature and amount of any deductions.

§ 1062.32 Other reports.

(a) Each producer-handler and each handler exempt from regulation pursuant to § 1062.61 shall make reports to the market administrator at such time and in such manner as the market administrator may request; and

(b) Each handler who receives milk from producers, payment for which is to be made to a cooperative association pursuant to § 1062.80(c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 7th day after the end of the month:

(i) The pounds per shipment, the total pounds of milk and the average butterfat test of milk received from such producer during the month;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 1062.86.

§ 1062.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all fluid milk products on hand at the beginning and end of each month.

§ 1062.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1062.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1062.30 shall be classified by the market administrator pursuant to the provisions of §§ 1062.41 through 1062.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1062.41 Classes of utilization.

Subject to the conditions set forth in §§ 1062.43 through 1062.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except:

(i) Any fluid milk product fortified with added solids shall be Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) Any fluid milk product classified pursuant to subparagraphs (2), (3), and (4) of paragraph (b) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In fluid milk products disposed of for livestock feed;

(3) In fluid milk products dumped after notification to and opportunity for verification as may be requested by the market administrator;

(4) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Used to produce frozen cream;

(6) In inventory of bulk fluid milk products on hand at the end of the month;

(7) In that portion of "fortified" fluid milk products not classified as Class I milk pursuant to paragraph (a)(1)(i) of this section;

(8) In shrinkage of skim milk and butterfat, respectively, assigned at each pool plant pursuant to § 1062.42(b)(1), but not to exceed the following:

(i) Two percent of receipts of producer milk pursuant to § 1062.14(a)(1) and (2); plus

(ii) One and a half percent of receipts of fluid milk products in bulk tank lots from other pool plants; plus

(iii) One and a half percent of milk received from a cooperative association which is a handler for such milk pursuant to § 1062.8(d), except that if the handler operating the pool plant files notice with the market administrator

that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent; plus

(iv) One and a half percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class II milk utilization was requested by the operator of such plant and the handler; plus

(v) One and a half percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II milk utilization was requested by the handler; less

(vi) One and a half percent of milk disposed of in bulk tank lots to other milk plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted purchases such milk on the basis of farm weights, the applicable percentages shall be 2 percent;

(9) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1062.42(b)(2); and

(10) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1062.8 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1062.42 Assignment of shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) If the pool plant has receipts of other source milk, shrinkage shall be prorated between:

(1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1062.41(b)(8); and

(2) Skim milk and butterfat in other source milk in the form of fluid milk products exclusive of that specified in § 1062.41(b)(8).

§ 1062.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) For the purposes of §§ 1062.41 through 1062.46, 1062.50 through 1062.54, and 1062.70 through 1062.72, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1062.8(d) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1062.70. For purposes of location adjustments pursuant to § 1062.53 and administrative expense pursuant to § 1062.88, such milk shall be treated as producer milk of the receiving handler; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1062.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants in their reports pursuant to § 1062.30, otherwise as Class I milk, if transferred from a pool plant to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1062.46(a)(8) and the corresponding step of § 1062.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1062.46(a)(4) and the corresponding step of § 1062.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the handler transferring to the pool plant of another handler received during the month other source milk to be allocated pursuant to § 1062.46(a)(8) and the corresponding steps of § 1062.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 350 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the location adjustment points pursuant to § 1062.53(a), except that cream so transferred may be classified as Class II milk if prior notice is given to the market administrator and each container is labeled by the transferor as "Grade C" cream for manufacturing only;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the location adjustment points pursuant to § 1062.53(a), unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1062.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I milk utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk; and

(v) If any skim milk or butterfat is transferred to a second plant under this paragraph the same conditions of audit, classification, and allocation shall apply; and

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in

the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II milk to the extent of the Class II milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and milk allocated to another class shall be classified as Class II milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1062.41.

§ 1062.45 Computation of skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1062.30 for each pool plant of each handler;

(b) If no fluid milk products to be assigned pursuant to § 1062.46(a)(8) were received at any pool plant of the handler, allocation pursuant to § 1062.46 and computation of obligation pursuant to § 1062.70 shall be made separately for each pool plant of a handler operating two or more pool plants;

(c) Unless the conditions specified in paragraph (b) of this section apply, the market administrator will compute the pounds of skim milk and butterfat in each class at all pool plants of such handler, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1062.46 and computation of obligation pursuant to § 1062.70 shall be based upon the combined utilization so computed; and

(d) Producer milk for which a cooperative association is the responsible handler pursuant to § 1062.8 (c) or (d) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purposes of allocation pursuant to § 1062.46 and computation of obligation pursuant to § 1062.70.

§ 1062.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1062.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1062.41(b)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II milk utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5)(ii) of this paragraph:

(*a*) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1062.22(l) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(*b*) From Class I milk, the remaining pounds of such receipts; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5)(ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1062.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1062.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1062.51 Class prices.

Subject to the provisions of §§ 1062.52 and 1062.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The Class I price shall be the basic formula price for the preceding month plus $1.60 during the months of August, September, October, and November; plus $1.40 during the months of December, January, February, and July; and plus $1.20 during all other months. Such price shall be increased

or decreased by whatever amount the Class I price computed pursuant to Part 1030 of this chapter (Chicago) is increased or decreased by the supply-demand adjustor computed for such month under such part; and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:

(1) If the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds 130 subtract, or if it is less than 130 add, an amount calculated by multiplying the difference between such percentage and 130 by 2 cents; and

(2) For each month calculate a utilization percentage by dividing the net pounds of Class I milk disposed of from all pool plants plus the Class I milk disposed of in the marketing area from nonpool plants, all for the 12-month period ending with the beginning of the preceding month, into the total pounds of producer milk during such 12-month period; multiplying by 100; adding or subtracting, respectively, any amount by which such result is greater or less than a comparable 12-month utilization percentage as computed for the third month preceding; and rounding the resultant figure to the nearest whole percent.

(b) *Class II milk price.* The Class II price shall be the basic formula price for the month.

§ 1062.52 Handler butterfat differentials.

If the average butterfat test of Class I or Class II milk as calculated pursuant to § 1062.46 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the Chicago butter price by the applicable factor listed below, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120; and

(b) *Class II milk.* Multiply such price for the current month by 0.115.

§ 1062.53 Location differential to handlers.

(a) For producer milk which is received at a pool plant located outside the marketing area which is classified as Class I milk, and for other source milk for which a location adjustment credit is applicable, the price specified in § 1062.51(a) shall, except as provided in subparagraphs (1) and (2) of this paragraph, be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located from the nearer of the City Hall of St. Louis or Springfield, Mo., by the shortest hard-surfaced highway distance as determined by the market administrator:

(1) At a pool plant located outside the marketing area but located in Madison, Monroe, or St. Clair County or in Sugar Creek, Looking Glass, St. Rose, Breese, or Germantown Township in Clinton County, all in the State of Illinois, the price specified in § 1062.51(a) shall be reduced 7 cents per hundredweight; and

(2) At a pool plant located in Cape Girardeau, Perry, or Ste. Genevieve County, Mo., the price specified in § 1062.51(a) shall be increased 15 cents per hundredweight; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1062.8(d), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1062.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1062.60 Producer-handlers.

Sections 1062.40 through 1062.46, 1062.50 through 1062.54, 1062.61, 1062.62, 1062.70 through 1062.72, and 1062.80 through 1062.89 shall not apply to a producer-handler.

§ 1062.61 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition during the month in such other Federal order marketing area is greater than was so disposed of in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A distributing plant which meets the pooling requirements of another Federal order and from which route disposition during the month in this marketing area is greater than was so disposed of in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(c) A supply plant meeting the requirements of § 1062.12(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of March through August if such plant retains automatic pooling status under this part.

§ 1062.62 Obligations of handlers operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1062.30 and 1062.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1062.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or any other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1062.70(g) and a credit in the amount specified in § 1062.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1062.30 and 1062.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1062.12(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I milk price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II milk price).

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 1062.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1062.46(c), by the applicable class prices (adjusted pursuant to §§ 1062.52 and 1062.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1062.46(a)(10) and the corresponding step of § 1062.46(b) by the applicable class prices;

(c) Add the amount obtained by multipyling the difference between the Class II milk price for the preceding month and the Class I milk price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1062.46(a)(6) and the corresponding step of § 1062.46(b);

(d) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1062.46(a)(3) and the corresponding step of § 1062.46(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(e) Add an amount equal to the difference between the value at the Class I milk price applicable at the pool plant and the value at the Class II milk price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1062.46(a)(4) and the corresponding step of § 1062.46(b); and

(f) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1062.46(a)(8)(i) and the corresponding step of § 1062.46(b); and

(g) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1062.46(a)(8)(iii), and the corresponding step of § 1062.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1062.53.

§ 1062.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1062.70 for all handlers who filed the reports prescribed by § 1062.30 for the month and who made the payments pursuant to §§ 1062.80 and 1062.84 for the preceding month;

(b) Deduct the amount of the plus differentials and add the amount of the minus differentials, which are applicable pursuant to § 1062.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1062.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1062.70 (f) and (g);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) From the remainder subtract during each of the months of April, May, June, and July an amount equal to 10 cents per hundredweight of the total amount of producer milk included in these computations. This amount shall be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (i) of this section;

(i) Add during each of the months of October, November, and December, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1062.72 Notification of handlers.

On or before the 10th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 1062.46 and 1062.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 1062.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 1062.80 and 1062.84; and

(e) The amount to be paid by such handler pursuant to §§ 1062.87 and 1062.88.

§ 1062.73 Overdue accounts.

Any unpaid obligation of a handler pursuant to § 1062.84, § 1062.86(a), or § 1062.88 shall be increased one-half of 1 percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

PAYMENTS

§ 1062.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the second working day following the 12th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price computed pursuant to § 1062.71 for such producer's deliveries of milk, adjusted by the butterfat and location differentials computed pursuant to §§ 1062.81 and 1062.82, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment pursuant to

§ 1062.85, he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the 25th day of each month, to each producer:

(1) To whom payment is not made pursuant to paragraph (c) of this section; and

(2) Who is still delivering Grade A milk to such handler, a partial payment with respect to milk received from him during the first 15 days of such month computed at not less than the Class II price for 3.5 percent milk for the preceding month, without deduction for hauling;

(c) On or before the 14th day after the end of each month and on or before the 25th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payments due on or before the 14th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1062.31 and payments due on or before the 25th day of the month shall be accompanied by a statement of the amount of money for each producer; and

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1062.8(d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the amount prescribed in paragraph (b)(2) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 18th day after the end of each month, each handler shall pay to each cooperative association for milk the handler receives from a pool plant(s) operated by such association, not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials.

§ 1062.81 Butterfat differentials to producers.

In making payments pursuant to § 1062.80(a), the uniform prices per hundredweight shall be adjusted for one one-tenth of 1 percent that the average butterfat content is above or below 3.5 percent by a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 1062.52 weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest one-tenth of a cent.

§ 1062.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant located outside the marketing area shall, except as provided in subparagraphs (1) and (2) of this paragraph, be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located from the nearer of the City Hall of St. Louis or Springfield, Mo., by the shortest hard-surfaced highway distance as determined by the market administrator;

(1) At a pool plant located outside the marketing area but located in Madison, Monroe or St. Clair County or in Sugar Creek, Looking Glass, St. Rose, Breese, or Germantown Township in Clinton County, all in the State of Illinois, the uniform price shall be reduced 7 cents per hundredweight; and

(2) At a pool plant located in Cape Girardeau, Perry, or Ste. Genevieve County, Mo., the uniform price shall be increased by an amount obtained by dividing the total hundredweight of milk received from producers at such plants during the month into the sum resulting from the multiplication of the total hundredweight of Class I milk of such plants during such month by 15 cents: *Provided*, That the price per hundredweight shall be rounded to the nearest full cent: *And provided further*, That the price per hundredweight shall not be increased pursuant to this paragraph by more than 15 cents.

(b) For purposes of computations pursuant to §§ 1062.84(b)(2) and 1062.85, the "weighted average price" shall be adjusted at the rates set forth in § 1062.53 (b) and (c), applicable at the location of the nonpool plant(s) from which the milk was received.

§ 1062.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1062.62, 1062.84, and 1063.86, and out of which he shall make all payments to handlers pursuant to §§ 1062.85 and 1062.86. The market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1062.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts (for each pool plant, if applicable) specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1062.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amounts due from other handlers pursuant to § 1062.80(d)(2), and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1062.80; and

(2) The value at the "weighted average" price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II milk price) with respect to other source milk for which a value is computed pursuant to § 1062.70 (f) and (g).

§ 1062.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any (for each pool plant, if applicable), by which the amount computed pursuant to § 1062.84(b) exceeds the amount computed pursuant to § 1062.84(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1062.86 Adjustment of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 1062.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall within 5 days of such billing, make payment to the market administrator of the amount so billed;

(b) Whenever verification discloses that payment is due from the market administrator to any handler pursuant to §1062.85, the market administrator shall, within 5 days, make payment to such handler;

(c) Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure; and

(d) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation, payment to such producer was in an amount more than was required to be paid pursuant to § 1062.80, no handler shall be deemed to be in violation of § 1062.80 if he reduces his next payment to such producer following discovery of such error by not more than such overpayment.

§ 1062.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler shall

deduct an appropriate rate per hundredweight, or such amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 1062.80(a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services; and

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 1062.80(a) as are authorized by such producers, and on or before the 15th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 1062.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 2.5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that pursuant to § 1062.14(a)(3)) and such handler's own production;

(b) Other source milk allocated to Class I milk pursuant to § 1062.46(a) (4) and (8) and the corresponding steps of § 1062.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant with route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1062.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1062.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1062.91.

§ 1062.91 Suspension or termination.

Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the Act cease to be in effect.

§ 1062.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate;

(b) The market administrator or such other persons as the Secretary may designate, shall:

(1) Continue in such capacity until removed;

(2) From time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1062.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1062.94 Agents.

The Secretary may by designation, in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1062.95 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Foremost Dairies, Inc.:

Proposal No. 2. A merger of the Ozarks and St. Louis marketing areas should include all of the present mar-

keting area and in addition the following counties all in the State of Arkansas: Baxter, Carroll, Fulton, Izard, Madison, Newton, Searcy, and Stone.

Proposed by Quality Dairy Company:

Proposal No. 3. The marketing area of Order No. 62 should be amended to include the following counties in Missouri which are not now part of the marketing area: Audrain, Boone, Callaway, Carter, Camden, Cole, Cooper, Butler, Marion, Ralls, Pike, Lincoln, Wayne, Madison, Stoddard, Ripley, Lewis, Morgan, Howard, Warren, Moniteau, Miller, Maries, Osage, Gasconade, St. Charles, Montgomery, and Monroe.

Proposed by Central Dairy Co.:

Proposal No. 4. If Pulaski and Phelps Counties of Missouri are made a part of the merged St. Louis and Ozarks orders, the Missouri counties of Carter, Dent, Iron, Madison, Reynolds, Shannon, Texas, and Wayne should also be made a part of such marketing area.

Proposed by Sealtest Foods, Division of National Dairy Products Corp.:

Proposal No. 5. Include in the marketing area of the merged Ozarks order, 7 CFR Part 1067, and St. Louis, Mo. order, 7 CFR Part 1062, in addition to the geographical areas now specified in the marketing areas of both orders, at §§1067.6 of the Ozarks order and 1062.6 of the St. Louis, Mo., order, the counties of Audrian, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Howard, Maries, Miller, Moniteau, Montgomery, Morgan, Osage, Phelps, Pulaski, St. Charles, Texas, and Warren, all in the State of Missouri.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 6. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, 2710 Hampton Avenue, St. Louis, Mo. 63139; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on January 24, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67–1034; Filed, Jan. 27, 1967; 8:47 a.m.]

[7 CFR Part 1096]

[Docket No. AO–257–A13]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Shreveport, La., on December 6, 1966, pursuant to notice thereof issued on August 23, 1966 (31 F.R. 11318), and a rescheduled notice of hearing which was issued September 8, 1966 (31 F.R. 12023).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on January 13, 1967 (32 F.R. 574; F.R. Doc. 67–589) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings, and conclusions, rulings, and general findings of the recommended decision (32 F.R. 574; F.R. Doc. 67–589) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Classification of ending inventory;
2. Classification of transfers of fluid milk products to a nonpool plant;
3. Level of Class II price;
4. Exemption of milk plants operated by governmental agencies; and
5. Deletion of base and excess plan.

This decision covers only issue No. 5. The remaining issues of the hearing will be considered in a further decision on this record.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

5. *Deletion of the base and excess plan.* The "base and excess" plan for distributing returns for milk among producers no longer tends to effectuate the purposes of the Agricultural Marketing Agreement Act and should be discontinued.

The base and excess plan was incorporated in the order to provide incentive to producers to reduce the fluctuations in the amount of milk supplied to the market throughout the year. The plan permits each producer to establish a base according to his deliveries to pool plants in September, October, November, and December of each year. In each of the subsequent months of February through July, separate uniform prices are computed for "base" milk and "excess" milk under provisions that allot Class I uses first to base milk. Each producer is therefore paid a uniform price for base milk and a uniform price for excess milk reflecting in each case the quantity of base and excess in the milk he has delivered. In all other months, producers receive the marketwide uniform price for all milk delivered to pool plants.

A producer association representing about 70 percent of the producers supplying the market proposed that the base and excess plan be removed from the order. There was no testimony at the hearing opposing such proposal.

The cooperative complained that the present base and excess plan under the Federal order has some tendency to result in undesirable production patterns among members. The association also operates its own base plan which is effective all 12 months of the year. This, the association stated, neutralizes the tendency of some producers to increase fall production more than needed during the Federal order base-making period. The existence of two base-excess plans, however, results in duplication of accounting and confusion.

The market has achieved the objective of relatively even production throughout the year. Changed circumstances in the market including the general adoption of bulk tank handling on the farm and other production technology will help dairy farmers to maintain such even production. Under the circumstances, the base-excess plan has served its purpose, but is no longer needed.

It is concluded that the base and excess plan should be deleted from the order. It should be deleted at the earliest possible date prior to the next base payment period of February 1967 through July 1967 in order that producers will know in advance that payments during these months will be at the uniform price rather than base and excess prices.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and

wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions to the recommended decision with respect to the elimination of the base and excess plan were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Northern Louisiana marketing area," and "order amending the order regulating the handling of milk in the Northern Louisiana marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Northern Louisiana marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on January 25, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing Area

§ 1096.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

§§ 1096.18, 1096.19 [Revoked]

1. Sections 1096.18 and 1096.19 are revoked.

§ 1096.27 [Amended]

2. In § 1096.27(j)(2) delete "or 1096.73".

3. Section 1096.27(l)(2) is revoked.

4. Section 1096.30(a)(1)(i) is revised to read as follows:

§ 1096.30 Reports of receipts and utilization.

(a) * * *

(1) * * *

(i) Receipts of milk from producers, including such handler's own production;

* * * * *

5. Section 1096.31(c) is revised to read as follows:

§ 1096.31 Payroll reports.

* * * * *

(c) The number of days, for which milk was received from such producer;

* * * * *

§§ 1096.65, 1096.66, 1096.67 [Revoked]

6. The subheading, "Determination of Base" and §§ 1096.65, 1096.66, and 1096.67 are revoked.

7. Section 1096.72(b) is revised to read as follows:

§ 1096.72 Computation of weighted average price and uniform price.

* * * * *

(b) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "weighted average price" or the "uniform price" for producer milk.

§ 1096.73 [Revoked]

8. Section 1096.73 is revoked.

9. Section 1096.80(b) is revised and paragraph (c) is revoked as follows:

§ 1096.80 Time and method of payment for producer milk.

* * * * *

(b) On or before the 15th day after the end of each month for milk received during the month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1096.72, subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively; and

(1) Less payment made pursuant to paragraph (a) of this section;

(2) Less marketing service deduction pursuant to § 1096.85;

(3) Plus or minus adjustments pursuant to § 1096.84 for errors in previous payments made to such producers; and

(4) Less proper deduction authorized by such producer.

(c) [Revoked]

* * * * *

[F.R. Doc. 67-1011; Filed, Jan. 27, 1967; 8:45 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1136]

[Docket No. AO 309-A10]

MILK IN GREAT BASIN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Jade Room, Hotel Utah, South Temple and Main Streets, Salt Lake City, Utah, beginning at 10 a.m., local time, on February 2, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Great Basin marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the

tentative marketing agreement and to the order. Evidence may also be received concerning the applicability of the percentage set forth in Proposal No. 3 to § 1136.13(b)(2).

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Federated Dairy Farms, Inc., and Hi-Land Dairyman's Association:

Proposal No. 1. In § 1136.11(a), revoke the factor "50 percent" and substitute seasonal factors of 45 percent for May, June, and July; 50 percent for April and August; and 55 percent for the remaining months of the year.

Proposal No. 2. In § 1136.13(b), increase the number of days a producer's milk must be delivered at a pool plant as a condition for subsequently diverting his milk from a pool plant to a nonpool plant.

Proposal No. 3. In § 1136.13(b)(1), reduce from 25 percent the proportion of milk received at a pool plant from producers who are not members of a cooperative association, which may be diverted from a pool plant to nonpool plant.

Proposal No. 4. Revise § 1136.41 to provide for only two classes of milk.

Proposal No. 5. In § 1136.50, revoke paragraph (c) and revise paragraph (b) to provide that the Class II milk price shall be the basic formula price computed pursuant to § 1136.51.

Proposal No. 6. Make such changes and modifications in the order as required to accomplish the objectives set forth in Proposals No. 1 through 5.

Proposed by Heber Valley Milk Co.:

Proposal No. 7. Amend § 1136.41(c)(7) to read as follows:

§ 1136.41 **Classes of Utilization.**

* * * * *

(c) * * *

(7) Disposed of in bulk to a commercial bakery or a candy manufacturer who maintains and makes available to the market administrator records showing the disposition, and that these products were not in the form of fluid milk products for consumption either on or off the premises.

* * * * *

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 8. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, John B. Rosenbury, 1477 South 11th East, Post Office Box 6142, Salt Lake City, Utah 84106, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on January 26, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-1116; Filed, Jan. 27, 1967; 9:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 80]

VITAMIN AND MINERAL-FORTIFIED FOODS

Proposal To Amend Identity Standard by Listing Additional Classes of Such Foods; Extension of Time for Filing Comments

In the matter of revising the regulations for food for special dietary uses:

An order was published in the FEDERAL REGISTER of December 14, 1966 (31 F.R. 15730), that:

1. Stayed the effective date of orders published June 18, 1966 (31 F.R. 8521 et seq.), which exempted from labeling requirements certain artificially sweetened foods (21 CFR 5.5), established definitions and standards of identity for dietary supplements of vitamins and minerals and for vitamin and mineral-fortified foods (21 CFR Part 80), revised the regulations for foods for special dietary uses (21 CFR Part 125), and deleted § 1.11;

2. Amended the stayed Parts 80 and 125; and

3. Set forth the issues for a public hearing to be scheduled at a later date.

Also, a notice of proposed rule making was published in the FEDERAL REGISTER of December 14, 1966 (31 F.R. 15746), proposing that the definition and standard of identity for vitamin and mineral-fortified foods (21 CFR 80.2; 31 F.R. 15732) be amended by adding to the table therein the following additional classes of food: Frozen dessert products (containing vegetable fat in lieu of butterfat) made in semblance of ice cream or ice milk; milk fortifiers; and meal substitutes.

Within the 30-day period permitted by the notice of proposed rulemaking, comments were filed by interested persons, and a number of interested persons have requested additional time for filing comments on the proposal. Good reasons therefor appearing, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 701(e), 52 Stat. 1046, as amended, 1048, 1055, as amended; 21 U.S.C. 341, 343(j), 371(e)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), the Commissioner hereby extends the time for filing comments on the subject proposal to February 12, 1967.

Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and submitted in writing, preferably in quintuplicate.

After February 12, 1967, the Commissioner will consider all comments received and will determine whether the proposal should be withdrawn, amended, or adopted. In any event, the proposal will be considered at the public hearing to be held on the objections filed in the matter of revising the regulations for food for special dietary uses (described above) since the issues set forth under "II-B" in the FEDERAL REGISTER of December 14, 1966 (31 F.R. 15731), regarding § 80.2 *Vitamin and mineral fortified foods* * * *, encompass consideration of the classes of food to be standardized.

Dated: January 23, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-1048; Filed, Jan. 27, 1967; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Zinc-Silicon Dioxide Matrix Coatings; Proposed Amendment Regarding Food-Contact Use

In response to a petition (FAP 3B0995) filed by the Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, an order was published in the FEDERAL REGISTER of March 28, 1963 (28 F.R. 3023), amending § 121.2548 of the food additive regulations to permit use of certain zinc-silicon dioxide matrix coatings as the food-contact surface for bulk reusable containers for all types of foods, instead of for fats and oils only as previously provided.

Since new information has been received from the petitioner indicating that such coatings are unsuitable for use in contact with foods having a pH of 5.5 or less, and since there is a lack of positive data indicating that such coatings are suitable for such use for foods having a pH of less than 7.0, the Commissioner of Food and Drugs proposes that § 121.2548 be amended as follows to limit the subject coatings to use as the food-contact surface of articles intended for repeated use in contact with bulk quantities of foods having a pH of 7.0 or higher.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that § 121.2548 be amended by deleting paragraph (e) and by revising the introduction to the section to read as follows:

§ 121.2548 Zinc-silicon dioxide matrix coatings.

Zinc-silicon dioxide matrix coatings identified in this section may be safely used as the food-contact surface of articles intended for repeated use in contact with bulk quantities of foods having a pH of 7.0 or higher, in accordance with the following prescribed conditions:

* * * * *

(e) Deleted.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: January 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-1049; Filed, Jan. 27, 1967; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-CE-98]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Port Huron, Mich. terminal area.

The Port Huron, Mich. transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Clair County Airport, Port Huron, Mich. (latitude 42°54'45" N., longitude 82°-31'35" W.), and within 5 miles SW and 8 miles NE of the 152° bearing from St. Clair County Airport, extending from the airport to 16 miles SE of the airport, excluding the portion outside the United States.

Since the designation of the Port Huron transition area the St. Clair County Airport Commission, Port Huron, Mich., has installed an "MH" facility at the St. Clair County Airport. Public use instrument approach procedures have been developed to serve this airport utilizing the "MH" facility as a navigational aid. Therefore, the Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Port Huron terminal area, including the necessity of expanding the controlled airspace to include the approach procedures, proposes the following airspace action:

Redesignate the Port Huron, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Clair County Airport, Port Huron, Mich. (latitude 42°54'45" N., longitude 82°31'35" W.) and within 2 miles each side of the 229° and 341° bearings from St. Clair County Airport extending from the 5-mile radius area to 8 miles SW and N of the airport, excluding the portion outside the United States.

The proposed 700-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures during descent from 1,500 to 700 feet above the surface and during climb from 700 feet to 1,200 feet above the surface.

The portion of the proposed instrument approach procedures which is conducted above 1,500 feet above the surface will be contained in the Mount Clemens, Mich. 1,200-foot floor transition area.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

Since new public use instrument approach procedures are to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal and the approach procedure for which it was designed may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on January 13, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-1017; Filed, Jan. 27, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-102]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Kenosha, Wis., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Kenosha, Wis., terminal area, as a result of the development of a public-use instrument approach procedure at the Kenosha, Wis., Municipal Airport, utilizing the Kenosha RBN as a navigational aid, proposes the following airspace action:

Designate the Kenosha, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Kenosha Municipal Airport (latitude 42°35'40" N., longitude 87°55'25" W.) and within 2 miles each side of the 332° bearing from Kenosha Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport, excluding the portions designated as Chicago, Ill., and Milwaukee, Wis., transition areas.

The proposed transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 feet to 700 feet above the surface, and during climb from 700 feet to 1,200 feet above the surface.

The portion of the new approach procedure which will be executed at and above 1,500 feet above the surface is contained within the Chicago, Ill., and Milwaukee, Wis., 1,200-foot floor transition areas. A portion of the new approach procedure which will be executed below 1,500 feet above the surface will be partially contained in the Chicago, Ill., and Milwaukee, Wis., 700-foot floor transition areas.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area. A new approach procedure is to be established; therefore, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal and the approach procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered be-

fore action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on January 12, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-1018; Filed, Jan. 27, 1967; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 564]

[No. FSLIC-2,998]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Accounts Held by an Unincorporated Association; Correction

JANUARY 26, 1967.

Resolved that in F.R. Doc. No. 67-1006 proposing an amendment to Part 564 of Subchapter D of Chapter V of Title 12 of the Code of Federal Regulations, published in the FEDERAL REGISTER of Friday, January 27, 1967, the following correction is hereby made: The first sentence of the proposed § 564.6 is changed by inserting the word "independent" before the word "activity". As so changed, the first sentence of the proposed § 564.6 reads as follows:

§ 564.6 Accounts held by an unincorporated association.

Accounts of an unincorporated association engaged in any independent activity shall be insured up to $15,000 in the aggregate. * * *

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 67-1106; Filed, Jan. 27, 1967; 8:49 a.m.]

Notices

FEDERAL AVIATION AGENCY

[OE Docket No. 66-CE-3]

MINNESOTA-IOWA TELEVISION CO.

Notice of Hearing

The Minnesota-Iowa Television Co., Myrtle, Minn., has withdrawn its proposal in the above-entitled proceeding. Therefore, notice is hereby given that the hearing, which was continued until further notice (31 F.R. 11728), is canceled.

Issued in Washington, D.C., on January 23, 1967.

GEORGE R. BORSARI,
Presiding Officer.

[F.R. Doc. 67-1019; Filed, Jan. 27, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AREA MANAGERS, WINNEMUCCA DISTRICT, NEV.

Delegation of Authority in General

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, and subject to the limitations in Part III of that order, the Area Managers administering the Paradise, Denio, Sonoma, and Gerlach Resource Areas of the Winnemucca District, Nev., are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Winnemucca District Manager:

DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

* * * * *

SEC. 3.3 *Fiscal affairs.* * * *

(d) *Trespass.* Determine liability and issue notice of grazing trespass; recommend as to acceptance of settlement offer made.

* * * * *

SEC. 3.7 *Range management.* (a) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

* * * * *

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase, or maintenance of range improvements.

* * * * *

(d) Soil and moisture conservation; control of halogeton glomeratus.

SEC. 3.8 *Forest management.* (a) Disposition of forest products including sales of timber not exceeding $100 in value.

* * * * *

SEC. 3.9 *Land use.* * * *

(g) Disposition of materials other than forest products, not exceeding $100 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective upon date of publication in the FEDERAL REGISTER.

Dated: January 11, 1967.

E. A. MOORE,
District Manager.

Approved:
NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67-1042; Filed, Jan. 27, 1967; 8:47 a.m.]

UTAH, WYOMING, AND COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management has filed an application for withdrawal of the lands described below, from (1) appropriation under the mining laws relating to metalliferous minerals, and (2) from sodium leasing except where the Secretary finds that development of the sodium deposits would not adversely affect in any significant way the oil shale values of the lands. The applicant desires the withdrawal to protect the multiple-use development of the minerals and other resources in the lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: All deposits of oil shale and all lands containing such deposits in the States of Colorado, Utah, and Wyoming which are owned by the United States and which are under the administrative jurisdiction of the Department of the Interior.

BOYD L. RASMUSSEN,
Director.

JANUARY 26, 1967.

[F.R. Doc. 67-1118; Filed, Jan. 27, 1967; 10:25 a.m.]

Fish and Wildlife Service

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m., on April 12, 1967, at the Memorial Hall, Lake County Courthouse, Lakeview, Oreg., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Poker Jim Ridge and Fort Warner wilderness study units in the National Wilderness Preservation System. These units consist of approximately 41,000 acres within the Hart Mountain National Antelope Refuge located in Lake County, State of Oregon.

A brochure containing a map and information about the Poker Jim Ridge and Fort Warner areas may be obtained from the Refuge Manager, Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Director at the above address by April 12, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 25, 1967.

[F.R. Doc. 67-1065; Filed, Jan. 27, 1967; 8:49 a.m.]

SALT CREEK UNIT

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m., on April 5, 1967, in the District Courtroom of the Chaves County Court-

house at Fourth and Main Streets, Roswell, Chaves County, N. Mex., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Salt Creek Unit in the National Wilderness Preservation System. The Unit consists of approximately 11,500 acres within the Bitter Lake National Wildlife Refuge, and is located in Chaves County, State of New Mexico.

A brochure containing a map and information about the Salt Creek Unit may be obtained from the Refuge Manager, Bitter Lake National Wildlife Refuge, Post Office Box 7, Roswell, N. Mex. 88201, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Director at the above address by April 5, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 25, 1967.

[F.R. Doc. 67-1066; Filed, Jan. 27, 1967; 8:49 a.m.]

ST. LAZARIA, FORRESTER ISLAND AND HAZY ISLANDS NATIONAL WILDLIFE REFUGES

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 10 a.m., on April 4, 1967, at the Alaska Department of Fish and Game Conference Room, Subport Building, in Juneau, Alaska, on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the St. Lazaria, Forrester Island, and Hazy Islands National Wildlife Refuges in the National Wilderness Preservation System. St. Lazaria consists of approximately 65 acres; Forrester Island Refuge has 2,832 acres; and Hazy Islands comprise 42 acres, all three being within the First Judicial Division, Alaska.

A brochure containing a map and information about these units may be obtained from the Associate Supervisor, Alaska National Wildlife Refuges, Bureau of Sport Fisheries and Wildlife, Post Office Box 500, Kenai, Alaska 99611, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by April 4, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 25, 1967.

[F.R. Doc. 67-1067; Filed, Jan. 27, 1967; 8:49 a.m.]

DEPREDATING AMERICAN COOTS (FULICA AMERICANA)

Order Permitting Killing in Designated Agricultural Areas in California

It has been determined from investigations and observations by the Bureau of Sport Fisheries and Wildlife and the California Department of Fish and Game that serious depredations to agricultural crops are occurring because of large numbers of coots in the Sacramento and San Joaquin Valleys of California. This cannot be considered of a localized nature. It was further determined that damages to crops can best be minimized or alleviated by permitting the depredating coots to be killed and taken by shooting in the affected areas under specific conditions and restrictions. This order will become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER. Accordingly, pursuant to authority contained in § 16.25, Title 50, Code of Federal Regulations, it is ordered as follows:

1. (a) Coots may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder; in the Counties of Butte, Colusa, Fresno, Glenn, Kern, Kings, Madera, Merced, Placer, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Tulare, Yolo, and Yuba.

(b) Shooting of coots shall be limited to the hours between sunrise and sunset. The authorization to kill coots, as contained in this order shall terminate on April 30, 1967: *Provided*, If prior to that date it is found that the emergency condition no longer exists, the killing of coots as permitted under this order will be terminated earlier on the date of publication of an order of revocation in the FEDERAL REGISTER.

(c) Coots killed under the provision of this order may be used for food, donated to hospitals or other charitable institutions within the State for use as food, and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific or educational purposes. Birds killed under provisions of this order may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed.

2. This order does not permit the killing of coots in violation of any State law or regulation. This order contemplates emergency measures designed to aid in relieving crop depredations and is not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act.

(Sec. 3, 40 Stat. 755, as amended, 16 U.S.C. 704)

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 26, 1967.

[F.R. Doc. 67-1105; Filed, Jan. 27, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (31 F.R. 16724) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to sheep with respect to Pocomoke Provision Co., establishment 39 is deleted. The reference to sheep with respect to Silver Falls Packing Co., Inc., establishment 153 is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Wahoo Packing Co.	169	(*)					
George A. Hormel & Co.	199A	(*)					
Rod Barnes Packing Co.	798	(*)					
American Beef Packers, Inc.	807	(*)					
New establishments reporting: 4.							
Hygrade Food Products Corp.	12FW		(*)				
John Morrell & Co.	234		(*)				
Golden Valley Packing Co.	271		(*)				
Watsonville Dressed Beef, Inc.	398		(*)				
Central Coast Meats	671		(*)				
Decker & Son	727						
Purnell's Packing Co.	738			(*)		(*)	
Wells & Davies Inc.	860						
Sierra Meat Co.	862		(*)			(*)	
Species added: 9.							

Done at Washington, D.C., this 25th day of January 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-1032; Filed, Jan. 27, 1967; 8:46 a.m.]

LAFAYETTE COUNTY LIVESTOCK AUCTION CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Lafayette County Livestock Auction Company, Lewisville, Ark., Oct. 2, 1959.
Logan County Livestock Auction, Magazine, Ark., Jan. 26, 1965.
Sioux Center Sales Company, Sioux Center, Iowa, Apr. 2, 1958.
McCook Livestock Commission Company, McCook, Nebr., Jan. 7, 1947.
Dominique's Commission Barn, Inc., Welsh, La., Nov. 13, 1939.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exception or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et. seq.)

Done at Washington, D.C., this 24th day of January 1967.

CHARLES G. CLEVELAND,
Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 67-1064; Filed, Jan. 27, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7A2140) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing an amendment to § 121.1008 *Polyoxyethylene (20) sorbitan tristearate* to provide for the safe use of polyoxyethylene (20) sorbitan tristearate as an agglomerating agent in the processing of pectin whereby the amount of the additive does not exceed 600 parts per million of the finished pectin.

Dated: January 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-1050; Filed, Jan. 27, 1967; 8:48 a.m.]

[Docket No. FDC-D-97; NDA No. 31-406V]

CENTRAL SOYA CO.

Master Mix Broiler Concentrate "A" 377A-13C; Order Refusing Approval of Supplemental New-Drug Application

In the FEDERAL REGISTER of November 17, 1966 (31 F.R. 14658), a Notice of Opportunity for Hearing was published notifying Central Soya Co., McMillan Feed Division, Fort Wayne, Ind. 46802, that the Commissioner of Food and Drugs proposed to issue an order refusing approval of a supplement dated February 15, 1965, to new-drug application No. 31-406V, and subsequent amendments to the supplement, providing for production and direct marketing to consumers of Master Mix Broiler Concentrate "A" 377A-13C (0.0175 percent dienestrol diacetate), on the ground that:

On the basis of the information submitted to the Food and Drug Administration as part of the supplemental application, the application does not contain tissue residue studies by methods reasonably applicable to assure safe use of the drug if it is fed directly without the recommended dilution, and there is insufficient information to determine whether the drug will be safe for use under the conditions proposed. Specifically, the tissue residue data submitted or otherwise available are insufficient to demonstrate that, if the drug is fed as the sole ration to chickens in the concentration marketed, it will not result in unsafe residue of the drug or metabolites of the drug in edible tissues of the animals.

The Notice of Opportunity for Hearing was sent by registered mail to Central Soya Co. on October 12, 1966. In a letter dated December 13, 1966, Central Soya Co. elected not to avail itself of the opportunity for a hearing.

Accordingly, the Commissioner of Food and Drugs, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 505 (d), 52 Stat. 1052, as amended; 21 U.S.C. 355(d)) and delegated to him by the Secretary (21 CFR 2.120), finds that said supplemental application (No. 31-406V) does not contain tissue residue data sufficient to demonstrate that the drug will be safe under the conditions prescribed, recommended, or suggested in its labeling, since there is a reasonable possibility that it will be administered without the recommended dilution and there is no tissue data to show that such use will not result in unsafe residues in food.

Therefore, on the basis of the foregoing finding of fact, and in accordance with the applicant's decision not to avail itself of the opportunity for a hearing, approval of the supplement dated February 15, 1965, to new-drug application No. 31-406V is hereby refused, with prejudice to future referral by the applicant to said supplemental application.

Dated: January 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-1051; Filed, Jan. 27, 1967; 8:48 a.m.]

W. R. GRACE & CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, has withdrawn its petition (FAP 7B2107), notice of which was published in the FEDERAL REGISTER of October 28, 1966 (31 F.R. 13874), proposing an amendment to § 121.2550 *Closures with sealing gaskets for food containers* to provide for the safe use of diisodecyl phthalate as an optional component of closure-sealing compounds for food containers.

The withdrawal of this petition is without prejudice to a future filing.

Dated: January 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-1052; Filed, Jan. 27, 1967; 8:48 a.m.]

SILACO CHEMICAL CO.

Notice of Filing of Petition for Food Additives Slimicides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7H2138) has been filed by Silaco Chemical Co., 3821 Montrose Avenue, Chicago, Ill. 60618, proposing an amendment to § 121.2505 *Slimicides* to provide for the safe use of silver bisthiocyanate as a slimicide in the manufacture of paper and paperboard for food-contact use.

Dated: January 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-1053; Filed, Jan. 27, 1967; 8:48 a.m.]

TRIFLURALIN

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Elanco Products Co., a division of Eli Lilly and Co., Indianapolis, Ind. 46206, a temporary tolerance of 0.05 part per million is established for residues of the herbicide trifluralin in or on almonds, apricots, grapefruit, grapes, oranges, peaches, pecans, plums (fresh prunes), and walnuts. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accord with the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires January 23, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: January 23, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-1054; Filed, Jan. 27, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 26 to License No. 4-3766-1 as set forth below:

This amendment authorizes Nuclear Engineering Co., Inc., to receive and possess 134.801 kilograms of uranium in which is contained 7.111 kilograms of uranium 235. This special nuclear material will be in a cask prepared for shipment by Atomics International Division of North American Aviation, Inc., will be received by Nuclear Engineering Co., Inc., at Atomics International's facility in Santa Susana, Calif., and transported to Nuclear Engineering Co.'s facility located near Beatty, Nev., in a Nuclear Engineering Co., Inc., vehicle. The special nuclear material will be disposed of by burial in the soil.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2).

If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to this amendment, see (1) the application for license amendment and (2), the related memorandum prepared by the Division of Materials Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Materials Licensing.

Dated at Bethesda, Md., January 24, 1967.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

BYPRODUCT, SOURCE, AND SPECIAL NUCLEAR MATERIAL LICENSE, NUCLEAR ENGINEERING CO., INC.

[Docket No. 27-10]

[License No. 4-3766-1; Amdt. 26]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property;

C. The application for license amendment dated September 27, 1966, as amended November 2, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that Act; and

D. The issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 4-3766-1 is amended to add the following condition:

20. The licensee is authorized to receive and possess at the Atomics International Division of North American Aviation, Inc., facility located at Santa Susana, Calif., 134.801 kilograms of uranium containing 7.111 kilograms of uranium 235 in a shipping cask, to possess the special nuclear material in California and Nevada en route to the licensee's facility near Beatty, Nev., and to dispose of the special nuclear material by burial in the soil at the licensee's facility near Beatty, Nev. The licensee shall receive, possess, and dispose of the special nuclear material in accordance with the radiological safety procedures and limitations contained in the application for license amendment dated September 27, 1966, as amended November 2, 1966.

Dated at Bethesda, Md., January 24, 1967.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 67-1014; Filed, Jan. 27, 1967; 8:45 a.m.]

[Docket No. 50-258]

ISOCHEM, INC.

Order of Postponement

Isochem, Inc. (Fission Products Conversion and Encapsulation Plant), filed a motion on January 25, 1967, for an indefinite postponement of the hearing in this proceeding presently scheduled to convene in the courtroom of the U.S. District Courthouse and Federal Building, 825 Jadwin Avenue, Richland, Wash., on January 31, 1967. The motion asserts that negotiations are in progress to terminate the contract which was a major consideration in the proceeding related to its application for a license from the Commission.

The Regulatory Staff of the Commission has filed a response to the Isochem motion and has assented to this request made by Isochem, Inc. No other parties have appeared in the proceeding.

Wherefore, it is ordered, That the aforesaid motion filed by Isochem, Inc., is granted, and the hearing in this proceeding scheduled to convene at 10 a.m., on January 31, 1967, in the courtroom of the U.S. District Courthouse and Federal Building, 825 Jadwin Avenue, Richland, Wash., is indefinitely postponed.

Issued January 25, 1967 at Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 67-1094; Filed, Jan. 27, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION; REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Assistant Regional Administrator for Administration, Region I, during the present vacancy in the position of Assistant Regional Administrator for Administration, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Administration, provided that no officer is authorized to serve as

Acting Assistant Regional Administrator for Administration unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Administration.
2. Personnel Officer.
3. Chief, General Services Branch.

(Secretary's delegation effective Nov. 16, 1966)

Effective date. This designation shall be effective as of November 23, 1966.

DWIGHT A. INK,
Assistant Secretary for Administration.

[F.R. Doc. 67-1045; Filed, Jan. 27, 1967; 8:47 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES; REGION I (NEW YORK)

Designation

The officer appointed to the position of Deputy Regional Administrator, Region I (New York), is hereby designated to serve as Acting Assistant Regional Administrator for Program Coordinating and Services, Region I, during the present vacancy in the position of Assistant Regional Administrator for Program Coordination and Services, Region I, with all the powers, functions and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services.

(Secretary's delegation effective Nov. 16, 1966)

Effective date. This designation shall be effective as of November 22, 1966.

LEWIS E. WILLIAMS,
Deputy Assistant Secretary, for Administration.

[F.R. Doc. 67-1046; Filed, Jan. 27, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17117, 17118; FCC 67-82]

WARD L. JONES AND MARS HILL BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ward L. Jones, Syracuse, N.Y., Docket No. 17117, File No. BPH-5314; Requests: 102.9 mc, No. 275; 12.1 kw; 645 ft.; Mars Hill Broadcasting Co., Inc., Syracuse, N.Y., Docket No. 17118, File No. BPH-5450; Requests: 102.9 mc, No. 275; 6.7 kw; 722 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of January 1967;

1. The Commission has before it for consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

2. Ward L. Jones proposes general format programing, while Mars Hill Broadcasting Co., Inc. proposes predominantly religious programing designed to "supplement the outreach of the church * * *." Because of this significant difference in the programing proposals, programing evidence will be admissible under the standard comparative issue.[1]

3. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: January 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1056; Filed, Jan. 27, 1967; 8:48 a.m.]

[1] Comparison of such general and specialized formats was contemplated in our policy statement on Comparative Broadcasting Hearings 5 RR 2d 1901, footnote 9 at 1911 (1965).

[Docket No. 14817; FCC 67-80]

RADIO STATION KQXI (KQXI)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Frances C. Gaguine and Bernice Schwartz doing business as Radio Station KQXI (KQXI), Arvada, Colo., Docket No. 14817, File No. BMP-9769; Has: 1550 kc, 10 kw, Day, Class II; Requests: 1550 kc, 10 kw, DA-N, U, Class II; for construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) a "Petition to Deny" filed on October 8, 1965, by Lakewood Broadcasting Service, Inc., licensee of Station KLAK, Lakewood, Colo. and Evergreen Enterprises, Inc., licensee of Station KLOV, Loveland, Colo.;[1] (c) a "Pre-Grant Petition to Deny" filed by Metropolitan Television Co., licensee of Station KOA, Denver, Colo.; (d) a "Supplement to Petition to Deny," filed July 29, 1966, by Lakewood Broadcasting Service, Inc.; (e) a KQXI motion to strike certain statements included in a joint reply filed by Stations KLAK and KLOV; and (f) various pleadings in opposition and reply to those cited above.

2. KQXI (formerly KDAB) filed its original application on September 1, 1961. After hearing, the Initial Decision denied the application and the Review Board, with some important modifications, adopted the examiner's findings and denied the application by order of March 29, 1965.[2] By memorandum opinion and order[3] released July 16, 1965, the Commission granted a request by the applicant for leave to file a supplement to its application for review of the Review Board's decision. The applicant there asserted that floods in the Denver area had recently destroyed its tower and transmitter equipment and that continued use of the station's transmitter site was not feasible. The Commission was of the opinion that this natural disaster warranted approval of the applicant's request to amend to specify a new transmitter site, and the proposal was returned to the processing line. The application, as now amended, requests a nighttime directional operation with 10 kw power from a different location than the existing daytime site.

3. KLAK and KOA base their claims of standing on the ground that KQXI's nighttime operation would compete with them for both audience and advertising revenues and, therefore, that a grant would have an adverse economic impact on their operations. KQXI, in a motion to strike filed December 27, 1965, argued that KLAK's submission, in a reply

[1] KLOV's petition asserted that the proposed KQXI daytime power increase would contravene sec. 73.37 of the rules because of 2 and 25 mv/m overlap between KLOV and KQXI. Since KQXI, on Feb. 24, 1966, withdrew its daytime proposal, KLOV's petition is moot.

[2] Denver Area Broadcasters (KDAB), 38 FCC 583 (1965).

[3] Denver Area Broadcasters (KDAB), 6 RR 2d 101 (1965).

pleading; of an affidavit in support of its standing was a belated attempt to cure a fatal defect in the KLAK petition to deny. The applicant asserted that KLAK's petition to deny was inadequate to establish standing because it lacked "specific allegations of fact" in support of its claim of economic injury. It is true that KLAK failed, in its petition to deny, to submit an affidavit containing specific allegations of economic injury. However, KLAK, on December 20, 1965, submitted, as a part of its "Reply to Opposition to Petition to Deny," an affidavit by the president of Lakewood Broadcasting Service, Inc., establishing the facts upon which KLAK's claim of standing rests. Since this affidavit was submitted within the period allowed for the filing of objections to the KQXI proposal, it effectively cured whatever procedural defect might have existed. The fact that it was included in a "reply" pleading does not prevent us from regarding it as a supplement to the original petition, as KLAK requested. Therefore, KQXI's motion to strike will be denied.

4. Metropolitan Television Co. (KOA) submitted no affidavit to support its allegations of standing with its December 20, 1965 "Pre-Grant Petition to Deny." However, based on engineering data on file, the Commission takes official notice of the fact that large portions of the Denver area would be served by both the KQXI proposal and by KOA, and that consequently the two would compete for listeners and revenues at night. Thus, under the doctrine of the Sanders case [1] we find that KLAK and KOA have standing as "parties in interest" within the meaning of section 309 (d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules.

5. KLAK contends that the proposed nighttime operation is "more flagrantly in violation of § 73.28(d)(3)" (the Commission's so-called "10 Percent Rule") than the proposal previously set for hearing. Related to this contention is the assertion that Arvada, Colo., is not a separate community for the purposes of § 73.28(d)(3). KOA, in its petition, makes the same arguments for denial and also claims that the KQXI proposal would constitute an inefficient use of the channel because of the high nighttime limitation. (See Note to § 73.24(b).)

6. According to the applicant's data, KQXI would be limited to approximately 18 mv/m nighttime, as a result of which 47.5 percent of the population within the normally protected contour would suffer interference at night. The proposal is, therefore, in contravention of § 73.28(d)(3) unless it can be determined that Arvada is a separate community from Denver and entitled to the first-facility exception to the rule. The applicant and the petitioners have, in their pleadings, argued the separate community issue, relying on statements contained in the opinions of the hearing examiner and the Review Board in the earlier KQXI proceedings.[2] The decision of the Review Board, however, did not conclude that Arvada was or was not a separate community for the purposes of § 73.28(d)(3). It is necessary, therefore, to specify appropriate issues both as to the separate community problem and possible waiver of the "ten percent" rule in the event it is determined that Arvada is not a separate community.

7. The final question concerning the nighttime operation is whether the interference received by KQXI would be so great that a grant of the proposal would result in an inefficient use of the channel within the meaning of the note to § 73.24(b). The Commission is of the opinion that the projected population loss of 47.5 percent, when considered along with such factors as the total absence of "white" area and the presence of numerous other nighttime services in the Denver vicinity, does raise a question as to the efficiency of the proposal. Thus, an issue with respect thereto will be specified. Strafford Broadcasting Corp., 34 FCC 142 (1963).

8. KLAK, in its "Supplement to Petition to Deny," asserts that KQXI's nighttime 5 mv/m contour would encompass "virtually all" of Denver. Petitioner argues that the Commission's Suburban Communities Policy Statement [3] is applicable to the proposal and that the application should therefore be presumed to be a proposal to serve Denver, rather than Arvada. The Commission is of the opinion that the policy statement presumption cannot be invoked in this instance. The language of the policy statement is not applicable to this proposal because it speaks only in terms of an applicant's proposed 5 mv/m daytime contour.

9. Since the applicant has not obtained clearance from the Federal Aviation Agency, an issue will be included to determine whether the proposed antenna would constitute a menace to air navigation.

10. A remaining problem lies in the possibility of adverse effects from cross-modulation or reradiation due to the proximity of KQXI's nighttime transmitter site to that of Station KDKO, Littleton, Colo. (formerly KMOR). Therefore, in the event of a grant, an appropriate condition will be included in the construction permit.

11. Except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KQXI and the availability of other primary service to such areas and populations.

2. To determine, for the purposes of § 73.28(d)(3) of the Commission's rules, whether Arvada, Colo. is a separate community from Denver, Colo.

3. To determine, if it is concluded that Arvada is a separate community pursuant to Issue 2 above, whether the proposed nighttime operation of Station KQXI would be consistent with the requirements of the note to § 73.24(b) of the Commission's rules, and, if not, whether circumstances exist which warrant a waiver of said rule.

4. To determine, if it is concluded that Arvada, Colo. is not a separate community pursuant to Issue 2 above, whether interference received by the proposed nighttime operation would affect more than 10 percent of the population within the normally protected service area of the proposal in contravention of § 73.28(d)(3) of the Commission's rules, or whether, because of interference received, the nighttime proposal of Station KQXI would be consistent with the requirements of the note to § 73.24(b) of the Commission's rules, and if compliance with either § 73.28(d)(3) or the note to § 73.24(b) is not found, whether circumstances exist which would warrant a waiver of either or both of said sections.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by Radio Station KQXI would constitute a menace to air navigation.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That the "Pre-Grant Petition to Deny", filed by Metropolitan Television Co. (KOA) and the "Petition to Deny or designate for Hearing", filed by Lakewood Broadcasting Service, Inc. (KLAK), are granted to the extent indicated above and are denied in all other respects; that KLAK's "Supplement to Petition to Deny", filed July 29, 1966, is denied, and the "Motion to Strike Portions of Reply Pleading", filed December 27, 1965, by KQXI, is denied.

It is further ordered, That Lakewood Broadcasting Service, Inc., licensee of Station KLAK, Lakewood, Colo.; Metropolitan Television Co., licensee of Station KOA, Denver, Colo., and the Federal Aviation Agency are made parties to this proceeding.

It is further ordered, That in the event of a grant, the construction permit shall contain the following condition:

Permittee shall assume responsibility for the elimination of interference due to external cross-modulation and for the

[1] FCC v. Sanders Brothers Radio Station, 309 U.S. 470 (1940).

[2] 37 FCC 583 (Review Board); 38 FCC 597 (Initial Decision).

[3] Policy Statement on sec. 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 6 RR 2d 1901, released Dec. 27, 1965.

installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and of Station KDKO or any other stations which may be necessary, to prevent adverse effects due to internal cross-modulation and reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 18, 1967.

Released: January 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1057; Filed, Jan. 27, 1967; 8:48 a.m.]

[Docket Nos. 16655, 16656; FCC 67M-114]

JONES T. SUDBURY AND NORTHWEST TENNESSEE BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Jones T. Sudbury, Martin, Tenn., Docket No. 16655, File No. BPH-5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn.; Docket No. 16656, File No. BPH-5174; for construction permits.

The Hearing Examiner having under consideration a petition filed January 17, 1967, on behalf of Jones T. Sudbury requesting that the date for commencement of the hearing in the above-entitled proceeding be continued from January 25, 1967, to February 27, 1967; and

It appearing that the reason for the requested continuance is the fact that a study to determine whether an additional FM channel may be allocated to Martin, Tenn., may not be completed by January 25, 1967, and additional time will be necessary for the applicants to explore prospects for settlement of this proceeding; and

It further appearing that no opposition to the request for continuance has been filed, and good cause for granting said petition having been shown;

It is ordered, This the 23d day of January 1967, that the petition for continuance is granted, and the date of the evidentiary hearing is continued from January 25, 1967, to February 27, 1967.

Released: January 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1058; Filed, Jan. 27, 1967; 8:48 a.m.]

[Docket No. 16990; FCC 67M-115]

TAFT BROADCASTING CO. (WKYT-TV) ET AL.

Order Continuing Prehearing Conference

In the matter of petitions by Taft Broadcasting Co. (WKYT-TV and WLEX-TV, Inc., Lexington, Ky., to stay construction and to prevent expansion of CATV systems in the Lexington market area by Berea Cablevision Co., Inc., Gregg Cablevision, Inc., and Mt. Sterling Antennavision Co., Docket No. 16990.

The Hearing Examiner having under consideration the oral request for continuance of prehearing conference made by Gregg Cablevision, Inc., and Berea Cablevision Co., Inc. on January 20, 1967;

It appearing, that said request is based on an agreement between the parties looking toward termination of the proceeding without hearing and that all parties have consented to immediate consideration and grant;

It is ordered, This 20th day of January 1967 that said request is granted and the prehearing conference scheduled for January 23, 1967, is continued to February 2, 1967, commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: January 24, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1059; Filed, Jan. 27, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

PORT EVERGLADES TERMINAL CO., INC., AND FRED E. GIGNOUX, INC.

Notice of Portwide Exemption Applications Filed

Notice is hereby given that the following portwide exemption applications have been filed with the Commission pursuant to § 510.22(a) of Federal Maritime Commission General Order 4; Amendment 9 (46 CFR 510.22(a)).

Each applicant contends that an adequate supply of ocean freight forwarding services is not being held out by nonagent licensed independent ocean freight forwarders domiciled at the indicated ports, and that an exemption is justified on this basis.

Application No. 5 for Port Everglades, Fla., filed by Port Everglades Terminal Co., Inc. (FMC No. 274).

Application No. 6 for the Ports of Searsport and Portland, Maine, filed by Fred E. Gignoux, Inc. (FMC No. 999).

Interested parties may inspect and obtain a copy of any such application at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609. Comments with reference to any application, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the applicant parties (as indicated herein), and the comments should indicate that this has been done.

Dated: January 24, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-1043; Filed, Jan. 27, 1967; 8:47 a.m.]

CONTAINERSHIPS, LTD. AND CONTAINER MARINE LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. James N. Jacobi, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement 9612, between Containerships, Ltd. and Container Marine Lines, a division of American Export Isbrandtsen Lines, Inc., provides for (1) a through biling arrangement on cargo moving in containers under through bills of lading between ports in the Hampton Roads/New York range and ports in Sweden, Denmark, and Finland with transshipment at ports in the

[1] Commissioner Hyde abstaining from voting.

Bayonne/Hamburg/United Kingdom range, and (2) the interchange of cargo containers and/or related equipment between or among the parties under mutually acceptable terms, conditions, practices and charges.

Dated: January 25, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-1044; Filed, Jan. 27, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-262]

HUMBLE OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 18, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 8, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-262	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	413	2	Oklahoma Natural Gas Gathering Corp.[1] (Cleo Springs Field, Ringwood Area, Major County, Okla.) (Oklahoma "Other" Area).	$324	12-23-66	[2] 12-23-66	[3] 12-24-66	11.0	[4] [5] 12.0	

[1] Oklahoma Natural Gas Gathering Corp. classed as a pipeline company in its certificate (C161-1408) for resale of gas to Cities Service Gas Co.
[2] The stated effective date is the date of filing. The 30-day notice requirement is waived herein.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.

Humble Oil & Refining Co. (Humble) proposes a periodic increase in rate from 11.0 cents to 12.0 cents per Mcf, amounting to $324 annually, for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. (ONG) from the Cleo Springs Field, Major County, Okla. (Oklahoma "Other" Area). ONG gathers the gas and resells it, after processing, to Cities Service Gas Co. (Cities Service) at a rate of 18.5 cents per Mcf.[*] Humble's proposed rate exceeds the area increased rate ceiling of 11.0 cents per Mcf. However, since ONG's related resale rate is in effect, we conclude that the 30-day notice requirement provided in section 4(d) of the Natural Gas Act should be waived and that Humble's rate should be suspended for 1 day from December 23, 1966, the date of filing.

[F.R. Doc. 67-1020; Filed, Jan. 27, 1967; 8:45 a.m.]

[*] By order issued Nov. 3, 1966, in Docket No. RP66-19, the increase from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that ONG is required to flow through to Cities Service any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

[Docket Nos. CP66-347 etc.]

MANUFACTURERS LIGHT & HEAT CO., ET AL.

Notice of Postponement of Hearing

JANUARY 19, 1967.

The parties in the above-designated matter have agreed to a schedule of presentation of evidence and have filed such agreement on January 18, 1967.

Therefore, the hearing in this matter now scheduled for January 30, 1967, is postponed to 10 a.m., March 28, 1967, and the following schedule, as agreed upon by the parties, shall be followed:

Applicants and intervenors shall serve their direct presentations by February 10, 1967.

As indicated above, the hearing for the cross-examination of all direct presentations shall commence on March 28, 1967.

Answering presentations shall be served 10 days following the close of cross-examination of the direct presentations.

The natural gas pipeline companies, made parties to this proceeding by order to show cause issued October 28, 1966, shall make their presentations 10 days following the close of cross-examination of the direct presentation.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1021; Filed, Jan. 27, 1967; 8:45 a.m.]

[Docket No. CP67-200]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JANUARY 19, 1967.

Take notice that on January 12, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-200 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the additional sale of natural gas to one of Applicant's existing resale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to render an additional service in the amount of 300 Mcf per day under its Rate Schedule CD–3 to Pennsylvania Gas Management Co., an existing customer, for the 1967 winter heating season.

No new facilities are needed to effectuate the proposed increase in service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 8, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67–1022; Filed, Jan. 27, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[24 FW–1395]

AUTROPONICS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 23, 1967.

I. Autroponics, Inc., 21 Turtle Creek Square, Dallas, Tex., a corporation organized under the laws of Texas on September 14, 1965, and having its principal offices located at 21 Turtle Creek Square, Dallas, Tex., filed with the Commission on September 15, 1966, a notification on Form 1–A, with attached exhibits, including an offering circular, relating to the company's proposed offering of 118,300 shares of its $1 par value per share common stock at the price of $1.875 per share, or an aggregate offering price to the public of $221,812.50, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reason to believe from information reported to it by its staff that:

A. The offering circular and notification contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose, adequately and accurately, the highly speculative nature of the issuer's proposed business and in particular:

(a) The unsuccessful history of hydroponic grass when used for animal feed and the reasons for this lack of success;

(b) The fact that hydroponic grass has no recognized advantage as an animal feed when supplied to an already balanced ration;

(c) The fact that hydroponic grass' value where added to an inadequate ration must be balanced against the high cost of amortizing the investment in necessary equipment;

(d) The unsuccessful history of Hydroponics, Inc. of Indianapolis, Ind., a company for which the president of the issuer formerly worked and the reasons for this lack of success.

2. The failure to disclose adequately and accurately:

(a) The number of shares issued to management for (1) cash, and for (2) services, including the prices paid in cash for such shares, and the basis for computing the value of the services for which shares were issued;

(b) The dilution that will occur in the equity represented by shares which might be purchased by the public under this notification and the correlative appreciation in the equity represented by the shares held by officers, directors and other present stockholders, at no cost to such persons.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The aggregate offering price of the proposed offering when computed in accordance with the requirements of Rules 253 and 254 exceeds the $300,000 ceiling permissible under section 3(b) of the Securities Act and Regulation A thereunder.

2. Items 2(c) and 9(b) of Form 1–A inaccurately reflect the holdings of and transactions in the shares of the issuer by persons specified in such items.

3. The financial statements included in the offering circular fail to conform to the requirements of Item 11 of Schedule I.

C. The offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–1024; Filed, Jan. 27, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 327]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 25, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. 114848 (Sub-No. 33 TA), filed January 20, 1967. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Post Office Box 2591, De Soto Station, Memphis, Tenn. Applicant's representative: James N. Clay, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Fertilizer, and fertilizer ingredients*, dry in bulk in dump vehicles, from the shipping facilities of Monsanto Co. at Memphis, Tenn. to points in Alabama, Arkansas, Illinois, Kentucky, Missouri, and Mississippi, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindberg Boulevard, St. Louis, Mo. 63166. Send protests to: William W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 116273 (Sub-No. 83 TA), filed January 20, 1967. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as above.) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Molten phthalic anhydride*, in bulk, in tank vehicles, from the plantsite of Stepan Chemical Co., at Millsdale, Ill., to Valley Park, Mo., and Detroit, Mich., for 150 days. Supporting shipper: Stepan Chemical Co., Millsdale Works, Elwood, Ill. 60421. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-1062; Filed, Jan. 27, 1967; 8:49 a.m.]

[Notice 1470]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 25, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69279. By order of January 19, 1967, the Transfer Board approved the transfer to Topeka Motor Freight, Inc., Topeka, Kans., of certificates in Nos. MC-106904 and MC-106904 (Sub-No. 5), issued June 28, 1962, and July 29, 1965, respectively, to Jeff A. Robertson, doing business as Topeka Motor Freight, Topeka, Kans., authorizing the transportation of: General commodities with certain exceptions, and a wide variety of specified commodities, from, to, or between specified points in Kansas, Missouri, and Nebraska. D. S. Hults, Post Office Box 225, Lawrence National Bank Building, Lawrence, Kans. 66044, attorney for applicants.

No. MC-FC-69302. By order of January 23, 1967, the Transfer Board approved the transfer to Talkington Truckline, Inc., Houston, Tex., of certificate No. MC-32361 and certificate of registration No. MC-32361 (Sub-No. 3), issued December 23, 1941, and May 18, 1964, respectively, to C. R. Talkington, Houston, Tex., the former authorizing the transportation of oilfield locations in Texas, and the latter evidencing a rights to engage in transportation in interstate or foreign commerce as set forth in certificate of public convenience and necessity No. 5454, Docket No. 5454, dated August 15, 1941, issued by the Railroad Commission of Texas. Hugh C. Freeland, 240 Kaufman Trust Building, Beaumont, Tex. 77701, attorney for applicants.

No. MC-FC-69308. By order of January 19, 1967, the Transfer Board approved the transfer to Abernethy Transfer & Storage Co., Inc., Hickory, N.C. 28601, of the operating rights of Robert Glenn Abernethy, doing business as Abernethy Transfer & Storage Co., Hickory, N.C. 28601, in certificate No. MC-66988, issued March 4, 1942, authorizing the transportation, over irregular routes, of household goods, as defined: General commodities, excluding household goods, commodities in bulk, and other specified commodities; new furniture; glue; oil; paints, stains, varnishes, lacquers, shellacs, and wood fillers; textile and woodworking machinery; apples; tin cans; carnival show outfits; cotton piecegoods; granite; asphalt; roofing; hardware used in the manufacture of furniture; bottles; and antifreeze liquids; from, to, and between specified points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and West Virginia. Marshall V. Yount, Yount Building, 122 Second Street NW., Hickory, N.C., 28601, attorney for applicants.

No. MC-FC-69321. By order of January 19, 1967, the Transfer Board approved the transfer to Blalock Truck Line, Inc., Charleston, S.C., of the certificate of registration in No. MC-85530 (Sub-No. 2), issued March 9, 1964, to A. J. Blalock, doing busines as A. J. Blalock Truck Line, Charleston, S.C., and evidencing a right to engage in transportation in interstate or foreign commerce within the limits of certificates of public convenience and necessity Nos. 154-B, dated April 18, 1956, and No. 321-A, dated September 1, 1948, issued by the Public Service Commission of South Carolina. A. J. Blalock, Post Office Box 734, Charleston, S.C. 29402, representative for applicants.

No. MC-FC-69322. By order of January 19, 1967, the Transfer Board approved the transfer to McCandlish, Inc., Bremen, Ohio, of the operating rights in certificate No. MC-118756 (Sub-No. 1), issued March 25, 1966, to Lloyd R. McCandlish, doing business as McCandlish Trucking, Bremen, Ohio, and authorizing the transportation of chain, over irregular routes, from Bremen, Ohio, to Toledo and Cleveland, Ohio. Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-69336. By order of January 19, 1967, the Transfer Board approved the transfer to Golden Bros., Inc., Kewanne, Ill., of the operating rights in permits Nos. MC-49567 and MC-49567 (Sub-No. 5), issued January 13, 1954, and February 19, 1958 respectively, to Roy R. Golden and Leonard E. Golden, a partnership, doing business as Golden Bros., Kewanne, Ill., and authorizing the transportation of heating systems and power boilers, between Kewanne, Ill., on the one hand, and, on the other, points in Nebraska, Missouri, Iowa, Minnesota, Illinois, Wisconsin, Michigan, Indiana, Ohio, and Pennsylvania; machinery tools and dies used in the manufacture of boilers, boiler parts, heat exchangers, surface condensers, and parts thereto, between Buffalo, N.Y., on the one hand, and, on the other, Kewanne, Ill., and Lebanon, Pa., and heat exchangers, between Kewanne, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania (except Lebanon), and Wisconsin. George S. Mullins, 4704 West Irving Road, Chicago, Ill. 60641, representative for applicants.

No. MC-FC-69337. By order of January 19, 1967, the Transfer Board approved the transfer to Robert O'Nan, doing business as O'Nan Transportation Co., Carrollton, Ky., of certificate No. MC-63150, issued April 21, 1949, to Earl Cummings, doing business as K & R Truck Line, Fredonia, Ind., and authorizing the transportation of livestock, between Fredonia, Ind., and Louisville, Ky., and specified intermediate points over a regular route, and, on return, general commodities, as usually excepted. Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101, attorney for applicants.

No. MC-FC-69343. By order of January 19, 1967, the Transfer Board approved the transfer to Daniel Boone and Arthur Costello, a partnership, doing business as Daniel Boone Trucking, North Long Beach, Calif., of the operating rights in certificate No. MC-108200, issued December 7, 1956, to H. F. Crowson, doing business as Crowson Transportation Co., Los Angeles, Calif., authorizing transportation, over irregular routes, of general commodities, with exceptions, between points in the Los Angeles, Calif., commercial zone, on the one hand, and, on the other, steamship piers and docks at Long Beach Harbor and Los Angeles Harbor, Calif. H. F. Crowson, 8837 Miner Street, Los Angeles, Calif. 90002, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-1063; Filed, Jan. 27, 1967; 8:49 a.m.]

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